



Allan G. Bense, Speaker

Colleges & Universities Committee Meeting

**February 21, 2006
Reed Hall, 1:00 PM – 4:00 PM**

**Allan G. Bense
Speaker**

**David Mealor
Chair**



Florida House of Representatives

**Allan Bense, Speaker
Colleges & Universities Committee**

**David Mealor
Chair**

**Larry Cretul
Vice Chair**

**Meeting Agenda
Tuesday, February 21 2006
Reed Hall, 1:00 – 4:00 PM**

- I. Convening of Meeting and Call to Order**
- II. Roll Call**
- III. Opening Remarks**
- IV. Public Testimony on PCB CU 06-01 (Draft)**
- V. Closing Comments / Meeting Adjourned**

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1	A bill to be entitled
2	An act relating to education; amending s. 20.055, F.S.;
3	relating to agency inspectors general; requiring the
4	Office of the Inspector General of the Department of
5	Education to perform certain functions for the State
6	University System; amending s. 20.15, F.S.; relating to
7	Department of Education; deleting Division of Colleges and
8	Universities; requiring the State Board of Education and
9	the Commissioner of Education to consult with certain
10	educational entities; requiring department to provide
11	certain support services to the Board of Governors;
12	creating s. 20.155, F.S.; relating to Board of Governors;
13	providing for certain rights and privileges, the head of
14	the board, personnel, and certain powers and duties;
15	amending s. 23.21, F.S.; relating to definitions for
16	purposes of paperwork reduction; updating terminology;
17	amending s. 110.131, F.S.; relating to other-personal-
18	services temporary employment; updating terminology;
19	amending s. 110.181, F.S.; relating to Florida State
20	Employees' Charitable Campaign; correcting a cross-
21	reference; amending s. 112.0455, F.S., relating to the
22	Drug-Free Workplace Act; deleting obsolete rulemaking
23	provision; amending s. 112.19, F.S.; relating to death
24	benefits for law enforcement, correctional, and
25	correctional probation officers; updating terminology;
26	amending s. 112.191, F.S.; relating to death benefits for
27	firefighters; updating terminology; amending s. 112.312,
28	F.S.; relating to definitions for purposes of the code of
29	ethics for public officers and employees; revising

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30 definition of "agency" to include the Board of Governors
 31 and each state university board of trustees; amending s.
 32 112.313, F.S.; relating to standards of conduct for public
 33 officers, employees of agencies, and local government
 34 attorneys; revising definition of "employee" to include
 35 provosts; updating terminology; amending s. 112.3135,
 36 F.S.; relating to restriction on employment of relatives;
 37 updating terminology; amending s. 112.3145, F.S.; relating
 38 to disclosure of financial interests and clients
 39 represented before agencies; updating terminology;
 40 amending s. 120.52, F.S.; relating to definitions for
 41 purposes of the Administrative Procedures Act; revising
 42 definition of "agency" to include Board of Governors and
 43 state university boards of trustees under certain
 44 circumstances; amending s. 120.65, F.S.; including the
 45 Board of Governors in the entities that must reimburse the
 46 Division of Administrative Hearings for services and
 47 travel expenses of administrative law judges; amending s.
 48 121.021, F.S.; relating to definitions for purposes of the
 49 Florida Retirement System; updating terminology; amending
 50 s. 121.051, F.S.; relating to participation in the Florida
 51 Retirement System; updating terminology; amending s.
 52 121.35, F.S.; relating to the optional retirement program
 53 for the State University system; updating terminology;
 54 amending s. 159.703, F.S.; relating to creation of
 55 research and development authorities; updating terminology
 56 and effective date; amending s. 159.704, F.S.; relating to
 57 procedure for being designated by Board of Regents as a
 58 research and development authority; updating terminology;

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59 amending s. 159.706, F.S.; including research and
60 development authorities designated by the Board of Regents
61 prior to July 1, 2001, in the grandfather clause; amending
62 s. 211.3103, F.S.; relating to levy of tax on severance of
63 phosphate rock and the rate, basis, and distribution of
64 tax; updating terminology; amending s. 215.16, F.S.;
65 relating to appropriations and reductions from General
66 Revenue Fund for public schools, state institutions of
67 higher learning, and community colleges; updating
68 terminology; amending s. 215.20, F.S.; relating to certain
69 income and certain trust funds to contribute to General
70 Revenue Fund, to conform; amending s. 215.32, F.S.;
71 relating to state funds and segregation; including trust
72 funds under the management of the Board of Governors;
73 amending s. 215.559, F.S.; relating to Hurricane Loss
74 Mitigation Program; deleting obsolete terminology;
75 amending s. 215.82, F.S.; relating to validation of
76 certain bonds and when required, correcting cross-
77 reference; amending s. 216.0152, F.S.; relating to
78 inventory of state-owned facilities or state-occupied
79 facilities; updating terminology; amending s. 216.251,
80 F.S.; relating to salary appropriations and limitations;
81 deleting reference to State Board of Education; amending
82 s. 220.15, F.S.; relating to apportionment of adjusted
83 federal income; updating terminology; amending s. 250.10,
84 F.S.; relating to appointment and duties of the Adjutant
85 General; adding Board of Governors amending s. 252.385,
86 F.S.; relating to public shelter space; updating
87 terminology; amending s. 253.381, F.S.; relating to

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88 unsurveyed marshlands and sale to upland owners; deleting
89 reference to State Board of Education; amending s. 255.02,
90 F.S.; relating to boards authorized to replace buildings
91 destroyed by fire; deleting obsolete terminology; amending
92 s. 255.043, F.S.; relating to art in state buildings;
93 deleting obsolete terminology; amending s. 255.102, F.S.;
94 relating to contractor utilization of minority business
95 enterprises; including reference to Board of Governors;
96 amending s. 280.02, F.S.; relating to definitions for
97 purposes of the Florida Security for Public Deposits Act;
98 revising definition of "public deposit" to include state
99 university; amending s. 286.001, F.S.; relating to the
100 filing, maintenance, retrieval, and provision of
101 statutorily required reports; updating terminology;
102 amending s. 286.036, F.S.; assigning the Taxation and
103 Budget Reform Commission administratively to the Office of
104 Economic and Demographic Research; amending s. 287.012,
105 F.S.; relating to definitions for purposes of procurement;
106 revising definition of "agency" to include Board of
107 Governors; amending s. 287.064, F.S.; relating to
108 consolidated financing of deferred-payment purchases;
109 correcting cross-reference; amending s. 287.155, F.S.;
110 relating to amending s. 288.15, F.S.; adding Board of
111 Governors to the entities authorized to cooperate with the
112 Division of Bond Finance; amending s. 288.17, F.S.;
113 relating to revenue certificates; updating terminology;
114 amending s. 288.7091, F.S.; requiring the Florida Black
115 Business Investment Board to develop memoranda of
116 understanding with the Board of Governors; amending s.

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117	288.8175, F.S.; requiring an agreement between the Board	
118	of Governors and the State Board of Education with a	
119	counterpart organization in a foreign country to govern a	
120	linkage institute; amending s. 295.07, F.S.; relating to	
121	preference in appointment and retention for veterans;	
122	including certain equivalent positions; amending s.	
123	320.08058, F.S.; relating to collegiate license plates;	
124	updating terminology; amending s. 381.79, F.S.; relating	
125	to the Brain and Spinal Cord Injury Program Trust Fund;	
126	updating terminology; amending s. 403.073, F.S.; relating	
127	to pollution prevention; updating terminology; amending s.	
128	403.074, F.S.; relating to technical assistance by the	
129	Department of Environmental Protection; updating	
130	terminology; amending s. 409.908, F.S.; relating to	
131	reimbursement of Medicaid providers; updating terminology;	
132	amending s. 413.051, F.S.; relating to eligible blind	
133	persons and operation of vending stands; updating	
134	terminology; amending s. 447.203, F.S.; designating the	
135	Board of Governors or the board's designee as the "public	
136	employer" and "legislative body" with respect to public	
137	employees of state universities; revising the definition	
138	of "managerial employee" to conform; amending s. 455.2125,	
139	F.S.; relating to consultation with postsecondary	
140	education boards prior to adoption of changes to training	
141	requirements; updating terminology; amending s. 456.028,	
142	F.S.; relating to consultation with postsecondary	
143	education boards prior to adoption of changes to training	
144	requirements; updating terminology; amending s. 489.103,	
145	F.S.; relating to exemptions for purposes of construction	

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146 contracting; updating terminology; amending s. 489.503,
 147 F.S.; relating to exemptions for purposes of electrical
 148 and alarm system contracting; updating terminology;
 149 amending s. 553.71, F.S.; relating to definitions for
 150 purposes of the Florida Building Code; conforming
 151 terminology relating to educational boards; amending s.
 152 633.01, F.S.; relating to the State Fire Marshal;
 153 correcting cross-references; amending s. 650.03, F.S.;
 154 relating to federal-state agreement and interstate
 155 instrumentalities; updating terminology; amending s.
 156 943.1755, F.S.; relating to the Florida Criminal Justice
 157 Executive Institute; updating terminology; amending s.
 158 1000.01, F.S.; including in the purpose of the Florida K-
 159 20 Education Code institutions of higher learning and
 160 other public education programs; amending s. 1000.03,
 161 F.S.; relating to the function, mission, and goals of the
 162 Florida K-20 education system; deleting duplicative
 163 provisions; limiting oversight authority over state
 164 university matters to the Board of Governors amending s.
 165 1000.05, F.S.; dividing responsibilities for
 166 implementation of equal opportunity policies for school
 167 districts and community colleges to the Commissioner of
 168 Education and State Board of Education and for state
 169 universities to the Board of Governors of the State
 170 University System; limiting role of the Office of Equal
 171 Educational Opportunity to school districts and community
 172 colleges dividing responsibilities for implementation;
 173 designating responsibility for implementation in school
 174 districts and community colleges to the Commissioner of

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175 Education and State Board of Education; designating
 176 responsibility for implementation in state universities to
 177 the Board of Governors of the State University System;
 178 limiting role of the Office of Equal Educational
 179 Opportunity to school districts and community colleges;
 180 amending s. 1001.02, F.S.; revising powers of the State
 181 Board of Education including requiring consultation with
 182 the Board of Governors on certain matters; providing for
 183 exceptions; deleting certain responsibilities relating to
 184 state universities; revising reporting requirements
 185 relating to financial aid; and c relating to federal-state
 186 agreement and interstate instrumentalities; updating
 187 terminology; conforming provisions; amending s. 1001.03,
 188 F.S.; relating to specific powers of the State Board of
 189 Education; providing exceptions regarding enforcement
 190 authority; providing for consultation with the Board of
 191 Governors on certain matters; deleting requirement that
 192 the State Board review state university academic programs;
 193 amending s. 1001.10, F.S.; relating to general powers and
 194 duties of the Commissioner of Education; including
 195 expenditures of the Board of Governors in the K-20 budget;
 196 revising reporting requirements; amending s. 1001.11,
 197 F.S.; relating to other duties of the Commissioner of
 198 Education; requiring annual report; conforming provisions;
 199 amending s. 1001.20, F.S.; transferring responsibilities
 200 regarding the need for investigations of state
 201 universities by the Office of Inspector General to the
 202 Chancellor of the State University System; amending s.
 203 1001.25, F.S.; relating to educational television;

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204	correcting a cross-reference; amending s. 1001.28, F.S.;	
205	relating to distance learning duties; adding the Board of	
206	Governors of the State University System to the entities	
207	whose powers and duties are not changed by the provisions	
208	of this section; amending s. 1001.64, F.S.; relating to	
209	powers and duties of community college boards of trustees;	
210	correcting a cross-reference; amending s. 1001.70, F.S.;	
211	relating to Board of Governors; providing for travel and	
212	per diem; providing guidelines; creating s. 1001.706,	
213	F.S.; specifying powers and duties of the Board of	
214	Governors as authorized by the Legislature; amending s.	
215	1001.71, F.S.; providing that the university boards of	
216	trustees are part of the executive branch of state	
217	government; deleting certain board member requirements;	
218	amending s. 1001.73, F.S.; relating to university boards	
219	acting as trustees; replacing references to the State	
220	Board of Education with Board of Governors; correcting a	
221	cross-reference; subjecting agreements to s. 1010.62;	
222	amending s. 1001.74, F.S.; revising powers and duties of	
223	the university boards of trustees; amending s. 1001.75,	
224	F.S.; revising powers and duties of university presidents;	
225	amending s. 1002.35, F.S.; requiring the State Board of	
226	Education to consult with the Board of Governors regarding	
227	assignment of a university partner to the New World School	
228	of the Arts; amending s. 1002.41, F.S.; relating to home	
229	education programs; conforming provisions; prohibiting the	
230	requirement of curriculum documentation under certain	
231	conditions; amending s. 1004.03, F.S.; transferring	
232	responsibilities of the State Board of Education regarding	

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233 approval of new programs at state universities to the
 234 Board of Governors; providing guidelines for criteria;
 235 requiring legislative approval of certain programs;
 236 amending s. 1004.04, F.S.; relating to public
 237 accountability and state approval for teacher preparation
 238 programs; including the Board of Governors as a report
 239 recipient; amending s. 1004.07, F.S.; relating to student
 240 withdrawal from courses due to military service; providing
 241 for school boards and community colleges to follow State
 242 Board of Education guidelines and state universities to
 243 follow Board of Governors guidelines; amending s. 1004.21,
 244 F.S.; removing legislative intent regarding state
 245 universities; referencing constitutional provisions
 246 providing that universities are part of the executive
 247 branch of state government and universities are
 248 administered by a board of trustees; amending s. 1004.22,
 249 F.S.; relating to divisions of sponsored research at state
 250 universities; providing for guidelines of the Board of
 251 Governors; replacing references to the State Board of
 252 Education with Board of Governors; amending s. 1004.24,
 253 F.S.; relating to State Board of Education authority to
 254 secure liability insurance; replacing references to the
 255 State Board with Board of Governors or the board's
 256 designee; amending s. 1004.25, F.S.; relating to the
 257 payment of costs of civil action by state universities;
 258 permitting recovery of certain attorney's fees; amending
 259 s. 1004.28, F.S.; relating to direct-support
 260 organizations; providing definitions; providing for
 261 guidelines and rules of the Board of Governors; replacing

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262 State Board of Education references with Board of
 263 Governors; correcting cross-reference; subjecting certain
 264 agreements to s. 1010.62; amending s. 1004.29, F.S.;
 265 relating to university health services support
 266 organizations; providing for rules and guidelines of the
 267 Board of Governors; replacing reference to State Board of
 268 Education with Board of Governors; amending s. 1004.39,
 269 F.S.; relating to college of law at Florida International
 270 University; replacing references to the State Board of
 271 Education with Board of Governors; amending s. 1004.40,
 272 F.S.; relating to college of law at Florida Agricultural
 273 and Mechanical University; replacing references to the
 274 State Board of Education with Board of Governors; amending
 275 s. 1004.41, F.S.; the J. Hillis Miller Health Center at
 276 the University of Florida; authorizing the University of
 277 Florida board of trustees to utilize certain revenues;
 278 amending s. 1004.43, F.S.; relating to the H. Lee Moffitt
 279 Cancer Center and Research Institute; transferring State
 280 Board of Education responsibilities to the Board of
 281 Governors; amending s. 1004.445, F.S.; relating to the
 282 Johnnie B. Byrd, Sr. Alzheimer's Center and Research
 283 Institute; transferring State Board of Education
 284 responsibilities to the Board of Governors; amending s.
 285 1004.58, F.S.; providing for the Department of Education
 286 to staff the Leadership Board for Applied Research and
 287 Public Service; revising the purpose of the Leadership
 288 Board; including the Board of Governors as a report
 289 recipient; amending s. 1005.03, F.S.; relating to
 290 designation "college" or "university"; deleting obsolete

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291 terminology; amending s. 1005.06, F.S.; relating to
 292 institutions not under the jurisdiction or purview of the
 293 Commission for Independent Education; deleting obsolete
 294 terminology; amending s. 1005.22, F.S.; relating to powers
 295 and duties of the Commission for Independent Education;
 296 conforming provisions; amending s. 1006.53, F.S.;
 297 requiring each public postsecondary institution to adopt a
 298 policy relating to religious observances; removing
 299 references State Board of Education rules; amending s.
 300 1006.60, F.S.; relating to codes of conduct, disciplinary
 301 measures, and rulemaking authority; including rules of the
 302 Board of Governors; amending s. 1006.61, F.S.; relating to
 303 participation by students in disruptive activities at
 304 public postsecondary educational institutions and
 305 penalties; including policies of the Board of Governors;
 306 amending s. 1006.62, F.S.; relating to expulsion and
 307 discipline of students of community colleges and state
 308 universities; including rules and regulations of the Board
 309 of Governors; amending s. 1006.65, F.S.; relating to
 310 safety issues in courses offered by public postsecondary
 311 educational institutions; requiring the State Board of
 312 Education to adopt rules for community colleges; requiring
 313 the Board of Governors to adopt rules for state
 314 universities; amending s. 1006.71, F.S.; relating to
 315 gender equity in intercollegiate athletics; transferring
 316 responsibilities relating to state universities from the
 317 Commission of Education and the State Board of Education
 318 to the Chancellor and Board of Governors; adding
 319 Legislature to recipients of annual assessment; amending

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320 s. 1007.01, F.S.; relating to articulation, legislative
 321 intent, purpose, and role of the State Board of Education;
 322 requiring the State Board to make recommendations to the
 323 Legislature with input from the Board of Governors;
 324 amending s. 1007.22, F.S.; relating to articulation and
 325 postsecondary institution coordination and collaboration;
 326 encouraging institutional boards to establish programs to
 327 maximize articulation; amending s. 1007.23, F.S.; relating
 328 to statewide articulation agreement; providing purpose;
 329 removing reference to State Board rule; requiring Board of
 330 Governors input; revising provisions relating to
 331 admissions; amending s. 1007.24, F.S.; relating to
 332 statewide course numbering system; providing purpose and
 333 legislative intent; requiring the State Board of Education
 334 to approve course level with input from the Board of
 335 Governors; amending s. 1007.25, F.S.; relating to general
 336 education courses, common prerequisites, and other degree
 337 requirements; providing purpose; transferring
 338 responsibilities relating to state universities from the
 339 State Board of Education to the Board of Governors;
 340 amending s. 1007.262, F.S.; relating to foreign language
 341 competence and equivalence determinations; deleting a
 342 cross-reference; providing an exemption; amending s.
 343 1007.264, F.S.; relating to admission to postsecondary
 344 educational institutions for impaired and learning
 345 disabled persons; amending s. 1007.265, F.S.; relating to
 346 graduation, study program admission, and upper-division
 347 entry for impaired and learning disabled persons;
 348 transferring responsibilities relating to state

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349 universities from the State Board of Education to the
 350 Board of Governors; amending s. 1007.27, F.S.; relating to
 351 articulated acceleration mechanisms; providing purpose;
 352 conforming provisions; deleting obsolete study language;
 353 amending s. 1007.28, F.S.; transferring requirement for
 354 establishment and maintenance of computer-assisted student
 355 advising system from the State Board of Education to the
 356 Department of Education; removing intent language;
 357 requiring the State Board to collaborate with the Board of
 358 Governors regarding roles and responsibilities for the
 359 system; amending s. 1007.33, F.S.; relating to site-
 360 determined baccalaureate degree access; conforming
 361 provisions; amending s. 1008.29, F.S.; relating to
 362 college-level communication and mathematics skills
 363 examination; providing purpose; requiring State Board of
 364 Education to consult with Board of Governors regarding
 365 minimum passing scores and exemptions from testing
 366 requirements; authorizing State Board and Board of
 367 Governors to set certain exam fees for their respective
 368 institutions; amending s. 1008.30, F.S.; relating to
 369 common placement testing; requiring public postsecondary
 370 educational institutions to provide certain modifications
 371 for students with disabilities; requiring the State Board
 372 of Education to consult with the Board of Governors
 373 regarding certain college-prep requirements; amending s.
 374 1008.31, F.S.; requiring the State Board of Education and
 375 the Board of Governors to recommend systemwide performance
 376 standards to the Legislature; transferring
 377 responsibilities relating to performance measures and

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378 standards for state universities from the State Board of
 379 Education to the Board of Governors; revising goals and
 380 measures of the K-20 performance accountability system and
 381 requiring data quality improvements; providing for
 382 development of reporting of data collection requirements;
 383 adding Board of Governors to the recipients of reports and
 384 information; amending s. 1008.32, F.S.; relating to State
 385 Board of Education oversight enforcement authority;
 386 limiting authority to school districts and community
 387 colleges and their respective boards; creating s.
 388 1008.321, F.S.; providing for oversight enforcement
 389 authority of the Board of Governors relating to university
 390 boards of trustees and university presidents with regard
 391 to state universities; amending s. 1008.345, F.S.;
 392 relating to implementation of state system of school
 393 improvement and education accountability; conforming
 394 provisions; requiring State Board and Board of Governors
 395 approval of CLAST skills and certain tests and assessment
 396 procedures; including Board of Governors as a recipient of
 397 certain information; requiring the department to perform
 398 certain functions required by the Board of Governors;
 399 amending s. 1008.37, F.S.; relating to postsecondary
 400 feedback of information to high schools; removing
 401 reference to State Board rules; requiring the Commissioner
 402 to report to the Board of Governors; amending s. 1008.38,
 403 F.S.; relating to the articulation accountability process;
 404 requiring the State Board of Education to consult with the
 405 Board of Governors in developing articulation
 406 accountability measures and establishing an articulation

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407 | accountability process; amending s. 1008.45, F.S.;

408 | relating to community college accountability process;

409 | conforming provisions; amending s. 1008.46, F.S.; relating

410 | to state university accountability process; requiring

411 | Board of Governors to participate in process of

412 | identifying standards and goals; transferring

413 | responsibilities of the State Board of Education to the

414 | Board of Governors of the State University System;

415 | amending s. 1009.01, F.S.; relating to definitions for

416 | purposes of educational scholarships, fees, and financial

417 | assistance; providing a cross-reference; deleting

418 | reference to rules of the State Board of Education;

419 | amending s. 1009.21, F.S.; relating to determination of

420 | resident status for tuition purposes; expanding purpose to

421 | include determination of eligibility for state financial

422 | aid awards and tuition assistance grants; revising

423 | definitions and qualification process; providing for

424 | reclassification and documentation requirements; removing

425 | rulemaking provisions; amending s. 1009.24, F.S.; revising

426 | provisions relating to state university tuition and fees;

427 | amending s. 1009.26, F.S.; relating to fee waivers;

428 | transferring responsibilities relating to state

429 | universities from the State Board of Education to the

430 | Board of Governors; deleting reference to State Board

431 | rules; authorizing university boards of trustees to waive

432 | tuition and out-of-state fees under certain conditions;

433 | requiring an annual report; amending s. 1009.265, F.S.;

434 | relating to state employee fee waivers; providing

435 | guidelines for determining space available; prohibiting

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436 use of waiver for certain courses; amending s. 1009.27,
 437 F.S.; relating to deferral of fees; deleting references to
 438 rules of the State Board of Education; amending s.
 439 1009.285, F.S.; relating to fees for repeated enrollment
 440 in college-credit courses; deleting reference to
 441 definitions and fee levels established by the State Board
 442 of Education; amending s. 1009.29, F.S.; relating to
 443 increased fees for funding financial aid program;
 444 replacing reference to State Board of Education with State
 445 Board of Administration; amending s. 1009.40, F.S.;
 446 relating to general requirements for student eligibility
 447 for state financial aid; conforming provisions; amending
 448 s. 1009.90, F.S.; relating to duties of the Department of
 449 Education; including the Board of Governors as a report
 450 recipient; requiring department to calculate amount of
 451 need-based required to offset fee increases recommended by
 452 the Board of Governors; amending s. 1009.91, F.S.;
 453 relating to assistance programs and activities of the
 454 department; requiring that information related to state
 455 universities be reported annually to the Board of
 456 Governors; amending s. 1009.971, F.S.; relating to the
 457 Florida Prepaid College Board; updating obsolete
 458 terminology; amending s. 1009.98, F.S.; relating to the
 459 Florida Prepaid College Program; correcting a cross-
 460 reference; amending s. 1010.01, F.S.; relating to uniform
 461 records and accounts; transferring responsibilities
 462 relating to the state universities from the State Board of
 463 Education to the Board of Governors; requiring a uniform
 464 classification of accounts; amending s. 1010.011, F.S.;

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465 relating to definitions for purposes of financial matters
 466 and planning and budget; revising definition for certain
 467 terms; amending s. 1010.02, F.S.; relating to financial
 468 accounting and expenditures; transferring responsibilities
 469 relating to state universities from the State Board of
 470 Education to the Board of Governors; amending s. 1010.04,
 471 F.S.; relating to purchasing; transferring
 472 responsibilities relating to state universities from the
 473 State Board of Education to the Board of Governors
 474 amending s. 1010.07, F.S.; relating to bonds or insurance
 475 required; transferring responsibilities relating to state
 476 universities from the State Board of Education to the
 477 Board of Governors; amending s. 1010.09, F.S.; relating to
 478 direct-support organizations; transferring
 479 responsibilities relating to state universities from the
 480 State Board of Education to the Board of Governors;
 481 amending s. 1010.30, F.S.; relating to required audits;
 482 transferring supervision of state universities from the
 483 State Board of Education to the Board of Governors;
 484 creating s. 1010.62, F.S.; relating to revenue bonds and
 485 debt for state universities; providing definitions;
 486 authorizing the Board of Governors to request the issuance
 487 of revenues bonds; providing a process; requiring Board of
 488 Governors approval for a state university or direct-
 489 support organization to issue debt; providing guidelines;
 490 providing for rules or policies of the Board of Governors;
 491 providing a grandfather provision; amending s. 1010.86,
 492 F.S.; relating to the administration of capital
 493 improvement and building fee trust funds; transferring

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494	administration of the trust fund from the State Board of	
495	Education to the Board of Governors; amending s. 1011.01,	
496	F.S.; relating to the establishment of the budget system;	
497	transferring responsibilities relating to state	
498	universities from the State Board of Education to the	
499	Board of Governors; requiring the State Board to	
500	coordinate with the Board of Governors; amending s.	
501	1011.011, F.S.; relating to the legislative capital outlay	
502	budget request; requiring the State Board of Education to	
503	consult with the Board of Governors regarding	
504	universities; amending s. 1011.40, F.S.; relating to	
505	budgets for universities; transferring responsibilities	
506	relating to state universities from the State Board of	
507	Education to the Board of Governors; amending s. 1011.41,	
508	F.S.; relating to university appropriations; including a	
509	contingency provision requiring compliance with certain	
510	tuition and fee policies; amending s. 1011.4106, F.S.;	
511	relating to trust fund dissolution; including local	
512	account appropriations; providing for repeal; amending s.	
513	1011.48, F.S.; relating to the establishment of	
514	educational research centers for child development;	
515	transferring State Board of Education responsibilities to	
516	the Board of Governors; correcting a cross-reference;	
517	amending s. 1011.82, F.S.; relating to requirements for	
518	participation in Community College Program Fund;	
519	correcting a cross-reference; amending s. 1011.90, F.S.;	
520	relating to state university funding; transferring State	
521	Board of Education responsibilities to the Board of	
522	Governors; amending s. 1011.91, F.S.; relating to	

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523 additional appropriation; providing an exception;
 524 including a cross-reference; transferring State Board of
 525 Education responsibilities to the Board of Governors;
 526 providing for repeal under certain conditions; amending s.
 527 1011.94, F.S.; relating to Trust Fund for University Major
 528 Gifts; deleting references to New College; transferring
 529 State Board of Education responsibilities to the Board of
 530 Governors; removing authority for encumbrances; revising
 531 match provisions; amending s. 1012.01, F.S.; relating to
 532 definitions for purposes of personnel; limiting the
 533 meaning of terms to chapter 1012; limiting terms to K-12
 534 and community colleges; amending s. 1012.80, F.S.;
 535 relating to participation by employees in disruptive
 536 activities at public postsecondary educational
 537 institutions and penalties; transferring responsibilities
 538 relating to state universities from State Board of
 539 Education to the Board of Governors; amending s. 1012.801,
 540 F.S.; relating to employees of the Division of Colleges
 541 and Universities; updating terminology; amending s.
 542 1012.93, F.S.; relating to faculty members and test of
 543 spoken English; deleting reference to State Board of
 544 Education rules; deleting reference to New College;
 545 requiring proficiency in English of certain faculty
 546 members; requiring Board of Governors approval of any
 547 test; amending s. 1012.97, F.S.; relating to university
 548 police; authorizing state universities to provide for
 549 police officers; amending s. 1012.975, F.S.; remuneration
 550 of state university presidents; revising definitions;
 551 expanding employees covered by limitation on compensation

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552	to include university provosts and community college	
553	presidents; amending s. 1012.98, F.S.; relating to School	
554	Community Professional Development Act; deleting obsolete	
555	provisions; amending s. 1013.01, F.S.; relating to	
556	definitions for purposes of educational facilities;	
557	excluding Board of Governors from the definition of	
558	"board"; amending s. 1013.02, F.S.; transferring State	
559	Board of Education responsibilities relating to state	
560	universities to the Board of Governors; amending s.	
561	1013.03, F.S.; relating to functions of the department;	
562	including the Board of Governors for functions relating to	
563	state universities; eliminating references to a specific	
564	office within the department; deleting obsolete language;	
565	amending s. 1013.12, F.S.; relating to casualty, safety,	
566	sanitation, and firesafety standards and inspection of	
567	property; transferring State Board of Education	
568	responsibilities relating to state universities to the	
569	Board of Governors; requiring that both boards receive an	
570	annual report; amending s. 1013.15, F.S.; relating to	
571	lease, rental, and lease-purchase of educational	
572	facilities and sites; subjecting certain agreements to s.	
573	1010.62; amending s. 1013.16, F.S.; relating to	
574	construction of facilities on leased property; subjecting	
575	leases executed by a university board of trustees to s.	
576	1010.62; amending s. 1013.17, F.S.; relating to university	
577	leasing in affiliated research and development park;	
578	transferring State Board of Education responsibilities to	
579	the Board of Governors; subjecting leases to s. 1010.62;	
580	amending s. 1013.171, F.S.; relating to university lease	

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581 | agreements, land, and facilities; authorizing each
582 | university board of trustees to enter into certain
583 | agreements; transferring State Board of Education
584 | responsibilities to the Board of Governors; subjecting
585 | agreements to s. 1010.62; conforming provision; amending
586 | s. 1013.19, F.S.; relating to purchase, conveyance, or
587 | encumbrance of property interests above surface of land
588 | and joint-occupancy structures; subjecting any contract
589 | executed by a university board of trustees to s. 1010.62;
590 | amending s. 1013.25, F.S.; relating to when a university
591 | or community college board of trustees may exercise the
592 | power of eminent domain; requiring approval of the
593 | Administration Commission; amending s. 1013.28, F.S.;
594 | relating to disposal of property; transferring State Board
595 | of Education responsibilities relating to state
596 | universities to the Board of Governors; amending s.
597 | 1013.31, F.S.; eliminating references to specific offices
598 | within the Department of Education; deleting reference to
599 | State Board of Education rules and term "college";
600 | requiring the department maintain and validate inventory;
601 | updating terminology; requiring approval of state
602 | university surveys by Board of Governors; amending s.
603 | 1013.46, F.S.; relating to advertising and awarding
604 | contracts and prequalification of contractor; deleting
605 | reference to State Board of Education rules; amending s.
606 | 1013.47, F.S.; relating to substance of contract,
607 | contractors to give bond, and penalties; adding reference
608 | to Board of Governors rules; amending s. 1013.52, F.S.;
609 | relating to cooperative development and joint use of

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610	facilities by two or more boards; requiring Board of	
611	Governors review and approval for proposals involving a	
612	state university; amending s. 1013.60, F.S.; relating to	
613	legislative capital outlay budget request; requiring that	
614	information submitted by a university board of trustees be	
615	approved by the Board of Governors prior to submission to	
616	the Commissioner; amending s. 1013.63, F.S.; relating to	
617	the University Concurrence Trust Fund; transferring the	
618	trust fund from the Department of Education to the Board	
619	of Governors; deleting State Board of Education reference;	
620	amending s. 1013.64, F.S.; relating to funds for	
621	comprehensive educational plant needs; transferring	
622	responsibilities for state universities from State Board	
623	of Education to the Board of Governors; amending s.	
624	1013.65, F.S.; relating to educational and ancillary plant	
625	construction funds, Public Education Capital Outlay and	
626	Debt Service Trust Fund, and allocation of funds;	
627	requiring copies of each allocation be provided to the	
628	Board of Governors; amending s. 1013.74, F.S.; relating to	
629	university authorization for fixed capital outlay	
630	projects; correcting cross-reference; transferring State	
631	Board of Education responsibilities to the Board of	
632	Governors; subjecting projects to s. 1010.62; amending s.	
633	1013.78, F.S.; relating to approval required for certain	
634	university-related facility acquisitions; providing an	
635	exception; amending s. 1013.79, F.S.; relating to the	
636	University Facility Enhancement Challenge Grant Program;	
637	deleting findings and intent; transferring State Board of	
638	Education responsibilities to the Board of Governors;	

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639	deleting naming prohibition; repealing s. 186.805, F.S.,	
640	relating to the Data Bank on Older Floridians; repealing	
641	s. 334.065, F.S., relating to the Center for Urban	
642	Transportation Research; repealing s. 377.705, F.S.,	
643	relating to the Solar Energy Center; repealing s. 388.42,	
644	F.S., relating to John A. Mulrennan, Sr., Arthropod	
645	Research Laboratory; repealing s. 388.43, F.S., relating	
646	to the Florida Medical Entomology Laboratory; repealing s.	
647	410.504. F.S., relating to the multidisciplinary center on	
648	elderly living environments; repealing s. 1004.32, F.S.,	
649	relating to New College of Florida; repealing s. 1004.33,	
650	F.S., relating to the University of South Florida St.	
651	Petersburg.; repealing s. 1004.34, F.S., relating to the	
652	University of South Florida Sarasota/Manatee; repealing s.	
653	1004.35, F.S., relating to Broward County campuses of	
654	Florida Atlantic University coordination with other	
655	institutions; repealing s. 1004.36, F.S., relating to	
656	Florida Atlantic University campuses; repealing s.	
657	1004.38, F.S., relating to master of science program in	
658	speech-language pathology at Florida International	
659	University; repealing s. 1004.381, F.S., relating to	
660	nursing degree program at University of West Florida;	
661	repealing s. 1004.382, F.S., relating to master's in	
662	social work program at Florida Atlantic University;	
663	repealing s. 1004.383, F.S., relating to chiropractic	
664	medicine degree program at Florida State University;	
665	repealing s. 1004.44, F.S., relating to the Louis de la	
666	Parte Florida Mental Health Institute; repealing s.	
667	1004.46, F.S., relating to Multidisciplinary Center for	

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668 Affordable Housing; repealing s. 1004.47, F.S., relating
 669 to research activities relating to solid and hazardous
 670 waste management; repealing s. 1004.50, F.S., relating to
 671 the Institute on Urban Policy and Commerce; repealing s.
 672 1004.51, F.S., relating to Community and Faith-based
 673 Organizations Initiative and the Community and Library
 674 Technology Access Partnership; repealing s. 1004.53, F.S.,
 675 relating to Interdisciplinary Center for Brownfield
 676 Rehabilitation Assistance; repealing s. 1004.54, F.S.,
 677 relating to the Learning Development and Evaluation
 678 Center; repealing s. 1004.59, F.S., relating to the
 679 Florida Conflict Resolution Consortium; repealing s.
 680 1004.63, F.S., relating to the Florida Institute for
 681 Nuclear Detection and Security (FINDS); repealing s.
 682 288.705, F.S.; relating to statewide contracts register;
 683 repealing s. 458.3147, F.S., relating to medical school
 684 eligibility of military academy students or graduates;
 685 repealing s. 689.12, F.S., relating to state lands
 686 conveyed for educational purposes; repealing s. 741.03055,
 687 F.S., relating to review of premarital preparation
 688 courses, pilot programs, and questionnaire and curriculum;
 689 repealing s. 741.03056, F.S., relating to informational
 690 questionnaire; repealing s. 1001.72, F.S., relating to
 691 university boards of trustees to constitute a corporation;
 692 repealing s. 1004.26, F.S., relating to university student
 693 governments; repealing s. 1007.261, F.S., relating to
 694 state university admission of students; repealing s.
 695 1007.31, F.S., relating to limited access programs;
 696 repealing s. 1007.32, F.S., relating to transfer students;

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697	repealing s. 1008.51, F.S., relating to the Council for	
698	Education Policy Research and Improvement; repealing s.	
699	1010.60, F.S., relating to State Board of Education	
700	issuance of bonds; repealing s. 1010.61, F.S., relating to	
701	State Board of Education powers for issuance of bonds;	
702	repealing s. 1010.611, F.S., relating to resolution for	
703	issuance of revenue certificates; repealing s. 1010.612,	
704	F.S., relating to powers to secure revenue certificates;	
705	repealing s. 1010.613, F.S., relating to remedies of any	
706	holder of revenue certificates; repealing s. 1010.614,	
707	F.S., relating to validity of revenue certificates;	
708	repealing s. 1010.615, F.S., relating to prohibitions	
709	against obligating the state; repealing s. 1010.616, F.S.,	
710	relating to revenue certificate obligations of the State	
711	Board of Education; repealing s. 1010.617, F.S., relating	
712	to tax exemption and eligibility as legal investments;	
713	repealing s. 1010.618, F.S., relating to supplemental	
714	nature of provisions relating to bonding; repealing s.	
715	1010.619, F.S., relating to Board of Administration acting	
716	as fiscal agent; repealing s. 1011.4105, F.S., relating to	
717	transition from state accounting system (FLAIR) to	
718	university accounting system; repealing s. 1012.92, F.S.,	
719	relating to personnel codes of conduct, disciplinary	
720	measures, and rulemaking authority; repealing s. 1012.94,	
721	F.S., relating to evaluations of faculty members;	
722	repealing s. 1012.95, F.S., relating to university	
723	employment equity accountability program; providing an	
724	effective date.	
725		

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726 Be It Enacted by the Legislature of the State of Florida:

727

728 Section 1. Subsection (9) is added to section 20.055,
729 Florida Statutes, to read:

730 20.055 Agency inspectors general.--

731 (9) The Office of the Inspector General of the Department
732 of Education shall exercise the duties and responsibilities
733 required by this section for the State University System under
734 the direction of the Chancellor of the State University System.

735 Section 2. Paragraphs (d) and (e) of subsection (3) of
736 section 20.15, Florida Statutes, are redesignated as paragraphs
737 (c) and (d), respectively, paragraph (c) of that subsection and
738 subsections (5) and (7) are amended, and subsection (8) is added
739 to that section, to read:

740 20.15 Department of Education.--There is created a
741 Department of Education.

742 (3) DIVISIONS.--The following divisions of the Department
743 of Education are established:

744 ~~(c) Division of Colleges and Universities.~~

745 (5) POWERS AND DUTIES.--The State Board of Education and
746 the Commissioner of Education, in consultation with the Board of
747 Governors of the State University System, the Commission for
748 Independent Education, and other education entities, shall assign
749 to the divisions such powers, duties, responsibilities, and
750 functions as are necessary to ensure the greatest possible
751 coordination, efficiency, and effectiveness of education for
752 students in K-20 education.

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753 (7) BOARDS.--Notwithstanding anything contained in law to
754 the contrary, all members of the ~~university and~~ community college
755 boards of trustees must be appointed according to chapter 1001.

756 (8) SUPPORT SERVICES.--The Department of Education shall
757 continue to provide support to the Board of Governors of the
758 State University System. At a minimum, support services provided
759 to the Board of Governors shall include accounting, printing,
760 computer and Internet support, personnel and human resources
761 support, support for accountability initiatives, support for
762 agency inspector general activities, and administrative support
763 as needed for trust funds under the jurisdiction of the Board of
764 Governors.

765 Section 3. Section 20.155, Florida Statutes, is created to
766 read:

767 20.155 Board of Governors of the State University System.--

768 (1) GENERAL PROVISIONS.--The Board of Governors of the State
769 University System is established by the State Constitution under
770 s. 7, Art. IX and, accordingly, is granted rights and privileges
771 equal to those of departments established under this chapter
772 while preserving the Board of Governor's constitutional
773 designation and title.

774 (2) HEAD OF THE BOARD.--The head of the Board of Governors
775 is the board with members appointed by the Governor as provided
776 for in s. 7, Art. IX of the State Constitution.

777 (3) PERSONNEL.--The Board of Governors is authorized to
778 appoint a Chancellor and appoint employees to aid the board in
779 the implementation of its responsibilities.

780 (4) POWERS AND DUTIES.--

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781 (a) The Board of Governors has the duty to operate,
782 regulate, control, and be responsible for the management of the
783 whole publicly funded State University System in accordance with
784 s. 7, Art. IX of the State Constitution and s. 1001.705.

785 (b) The Board of Governors, in exercising its authority
786 under the State Constitution and statutes, shall exercise its
787 authority in a manner that supports, promotes, and enhances all
788 of the following:

789 1. Affordable access to postsecondary educational
790 opportunities for Florida residents.

791 2. Articulation between state universities and other
792 postsecondary educational institutions.

793 3. Fiscal responsibility.

794 4. Accountability.

795 Section 4. Subsection (1) of section 23.21, Florida
796 Statutes, is amended to read:

797 23.21 Definitions.--For purposes of this part:

798 (1) "Department" means a principal administrative unit
799 within the executive branch of state government, as defined in
800 chapter 20, and includes the State Board of Administration, the
801 Executive Office of the Governor, the Fish and Wildlife
802 Conservation Commission, the Parole Commission, the Agency for
803 Health Care Administration, ~~the Board of Regents,~~ the State Board
804 of Education Community Colleges, the Board of Governors of the
805 State University System, the Justice Administrative Commission,
806 the Capital Collateral Representative, and separate budget
807 entities placed for administrative purposes within a department.

808 Section 5. Paragraph (a) of subsection (6) of section
809 110.131, Florida Statutes, is amended to read:

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810 110.131 Other-personal-services temporary employment.--
811 (6)(a) The provisions of subsections (2), (3), and (4) do
812 not apply to any employee for whom the Board of Governors of the
813 State University System, or the board's designee, Regents or the
814 Board of Trustees of the Florida School for the Deaf and the
815 Blind is the employer as defined in s. 447.203(2); except that,
816 for purposes of subsection (5), the Board of Trustees of the
817 Florida School for the Deaf and the Blind shall comply with the
818 recordkeeping and reporting requirements adopted by the
819 department pursuant to subsection (3) with respect to those
820 other-personal-services employees exempted by this subsection.

821 Section 6. Subsection (5) of section 110.181, Florida
822 Statutes, is amended to read:

823 110.181 Florida State Employees' Charitable Campaign.--

824 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each university
825 may elect to participate in the Florida State Employees'
826 Charitable Campaign, upon timely notice to the department. Each
827 university may also conduct annual charitable fundraising drives
828 for employees under the authority granted in ss. 1001.706 and s.
829 1001.74(19).

830 Section 7. Paragraphs (e), (f), and (g) of subsection (13)
831 of section 112.0455, Florida Statutes, are redesignated as
832 paragraphs (d), (e), and (f), respectively, and paragraph (d) of
833 that subsection is amended to read:

834 112.0455 Drug-Free Workplace Act.--

835 (13) RULES.--

836 ~~(d) The Board of Regents may adopt rules for the State~~
837 ~~University System implementing this section.~~

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839 This section shall not be construed to eliminate the bargainable
840 rights as provided in the collective bargaining process where
841 applicable.

842 Section 8. Subsection (5) of section 112.19, Florida
843 Statutes, is amended to read:

844 112.19 Law enforcement, correctional, and correctional
845 probation officers; death benefits.--

846 (5) The State Board ~~Department~~ of Education shall adopt
847 rules and procedures as are necessary to implement the
848 educational benefits provisions of this section.

849 Section 9. Subsection (5) of section 112.191, Florida
850 Statutes, is amended to read:

851 112.191 Firefighters; death benefits.--

852 (5) The State Board ~~Department~~ of Education shall adopt
853 rules and procedures as are necessary to implement the
854 educational benefits provisions of this section.

855 Section 10. Subsection (2) of section 112.312, Florida
856 Statutes, is amended to read:

857 112.312 Definitions.--As used in this part and for purposes
858 of the provisions of s. 8, Art. II of the State Constitution,
859 unless the context otherwise requires:

860 (2) "Agency" means any state, regional, county, local, or
861 municipal government entity of this state, whether executive,
862 judicial, or legislative, including the Board of Governors of the
863 State University System and each state university board of
864 trustees; any department, division, bureau, commission,
865 authority, or political subdivision of this state therein; or any
866 public school, community college, or state university.

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867 Section 11. Paragraph (a) of subsection (9) of section
868 112.313, Florida Statutes, is amended to read:

869 112.313 Standards of conduct for public officers, employees
870 of agencies, and local government attorneys.--

871 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
872 LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

873 (a)1. It is the intent of the Legislature to implement by
874 statute the provisions of s. 8(e), Art. II of the State
875 Constitution relating to legislators, statewide elected officers,
876 appointed state officers, and designated public employees.

877 2. As used in this paragraph:

878 a. "Employee" means:

879 (I) Any person employed in the executive or legislative
880 branch of government holding a position in the Senior Management
881 Service as defined in s. 110.402 or any person holding a position
882 in the Selected Exempt Service as defined in s. 110.602 or any
883 person having authority over policy or procurement employed by
884 the Department of the Lottery.

885 (II) The Auditor General, the director of the Office of
886 Program Policy Analysis and Government Accountability, the
887 Sergeant at Arms and Secretary of the Senate, and the Sergeant at
888 Arms and Clerk of the House of Representatives.

889 (III) The executive director of the Legislative Committee
890 on Intergovernmental Relations and the executive director and
891 deputy executive director of the Commission on Ethics.

892 (IV) An executive director, staff director, or deputy staff
893 director of each joint committee, standing committee, or select
894 committee of the Legislature; an executive director, staff
895 director, executive assistant, analyst, or attorney of the Office

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896 of the President of the Senate, the Office of the Speaker of the
897 House of Representatives, the Senate Majority Party Office,
898 Senate Minority Party Office, House Majority Party Office, or
899 House Minority Party Office; or any person, hired on a
900 contractual basis, having the power normally conferred upon such
901 persons, by whatever title.

902 (V) The Chancellor and Vice Chancellors of the State
903 University System; the general counsel to the Board of Governors
904 of the State University System ~~Regents~~; and the president,
905 provost, vice presidents, and deans of each state university.

906 (VI) Any person having the power normally conferred upon
907 the positions referenced in this sub-subparagraph.

908 b. "Appointed state officer" means any member of an
909 appointive board, commission, committee, council, or authority of
910 the executive or legislative branch of state government whose
911 powers, jurisdiction, and authority are not solely advisory and
912 include the final determination or adjudication of any personal
913 or property rights, duties, or obligations, other than those
914 relative to its internal operations.

915 c. "State agency" means an entity of the legislative,
916 executive, or judicial branch of state government over which the
917 Legislature exercises plenary budgetary and statutory control.

918 3. No member of the Legislature, appointed state officer,
919 or statewide elected officer shall personally represent another
920 person or entity for compensation before the government body or
921 agency of which the individual was an officer or member for a
922 period of 2 years following vacation of office. No member of the
923 Legislature shall personally represent another person or entity
924 for compensation during his or her term of office before any

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925 | state agency other than judicial tribunals or in settlement
926 | negotiations after the filing of a lawsuit.

927 | 4. No agency employee shall personally represent another
928 | person or entity for compensation before the agency with which he
929 | or she was employed for a period of 2 years following vacation of
930 | position, unless employed by another agency of state government.

931 | 5. Any person violating this paragraph shall be subject to
932 | the penalties provided in s. 112.317 and a civil penalty of an
933 | amount equal to the compensation which the person receives for
934 | the prohibited conduct.

935 | 6. This paragraph is not applicable to:

936 | a. A person employed by the Legislature or other agency
937 | prior to July 1, 1989;

938 | b. A person who was employed by the Legislature or other
939 | agency on July 1, 1989, whether or not the person was a defined
940 | employee on July 1, 1989;

941 | c. A person who was a defined employee of the State
942 | University System or the Public Service Commission who held such
943 | employment on December 31, 1994;

944 | d. A person who has reached normal retirement age as
945 | defined in s. 121.021(29), and who has retired under the
946 | provisions of chapter 121 by July 1, 1991; or

947 | e. Any appointed state officer whose term of office began
948 | before January 1, 1995, unless reappointed to that office on or
949 | after January 1, 1995.

950 | Section 12. Paragraph (a) of subsection (1) of section
951 | 112.3135, Florida Statutes, is amended to read:

952 | 112.3135 Restriction on employment of relatives.--

953 | (1) In this section, unless the context otherwise requires:

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954 (a) "Agency" means:

955 1. A state agency, except an institution under the

956 jurisdiction of the Board of Governors of the State University

957 System ~~Division of Universities of the Department of Education;~~

958 2. An office, agency, or other establishment in the

959 legislative branch;

960 3. An office, agency, or other establishment in the

961 judicial branch;

962 4. A county;

963 5. A city; and

964 6. Any other political subdivision of the state, except a

965 district school board or community college district.

966 Section 13. Paragraph (c) of subsection (1) of section

967 112.3145, Florida Statutes, is amended to read:

968 112.3145 Disclosure of financial interests and clients

969 represented before agencies.--

970 (1) For purposes of this section, unless the context

971 otherwise requires, the term:

972 (c) "State officer" means:

973 1. Any elected public officer, excluding those elected to

974 the United States Senate and House of Representatives, not

975 covered elsewhere in this part and any person who is appointed to

976 fill a vacancy for an unexpired term in such an elective office.

977 2. An appointed member of each board, commission,

978 authority, or council having statewide jurisdiction, excluding a

979 member of an advisory body.

980 3. A member of the Board of Governors of the State

981 University System or a state university board of trustees

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982 ~~Regents~~, the Chancellor and Vice Chancellors of the State
 983 University System, and the president of a state university.
 984 4. A member of the judicial nominating commission for any
 985 district court of appeal or any judicial circuit.
 986 Section 14. Paragraph (b) of subsection (1) of section
 987 120.52, Florida Statutes, is amended to read:
 988 120.52 Definitions.--As used in this act:
 989 (1) "Agency" means:
 990 (b) Each:
 991 1. State officer and state department, and each
 992 departmental unit described in s. 20.04.
 993 2. Authority, including a regional water supply authority.
 994 3. Board, including the Board of Governors of the State
 995 University System and a state university board of trustees when
 996 acting pursuant to statutory authority derived from the
 997 Legislature.
 998 4. Commission, including the Commission on Ethics and the
 999 Fish and Wildlife Conservation Commission when acting pursuant to
 1000 statutory authority derived from the Legislature.
 1001 5. Regional planning agency.
 1002 6. Multicounty special district with a majority of its
 1003 governing board comprised of nonelected persons.
 1004 7. Educational units.
 1005 8. Entity described in chapters 163, 373, 380, and 582 and
 1006 s. 186.504.
 1007
 1008 This definition does not include any legal entity or agency
 1009 created in whole or in part pursuant to chapter 361, part II, any
 1010 metropolitan planning organization created pursuant to s.

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1011	339.175, any separate legal or administrative entity created		
1012	pursuant to s. 339.175 of which a metropolitan planning		
1013	organization is a member, an expressway authority pursuant to		
1014	chapter 348, any legal or administrative entity created by an		
1015	interlocal agreement pursuant to s. 163.01(7), unless any party		
1016	to such agreement is otherwise an agency as defined in this		
1017	subsection, or any multicounty special district with a majority		
1018	of its governing board comprised of elected persons; however,		
1019	this definition shall include a regional water supply authority.		

1020	Section 15. Subsection (11) of section 120.65, Florida		
1021	Statutes, is amended to read:		

1022	120.65 Administrative law judges.--		
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1023	(11) The division shall be reimbursed for administrative		
1024	law judge services and travel expenses by the following entities:		
1025	water management districts, regional planning councils, school		
1026	districts, community colleges, the Division of Community		
1027	Colleges, state universities, <u>the Board of Governors of the State</u>		
1028	<u>University System</u> , the State Board of Education, the Florida		
1029	School for the Deaf and the Blind, and the Commission for		
1030	Independent Education. These entities shall contract with the		
1031	division to establish a contract rate for services and provisions		
1032	for reimbursement of administrative law judge travel expenses and		
1033	video teleconferencing expenses attributable to hearings		
1034	conducted on behalf of these entities. The contract rate must be		
1035	based on a total-cost-recovery methodology.		

1036	Section 16. Paragraph (b) of subsection (22) of section		
1037	121.021, Florida Statutes, is amended to read:		

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1038 121.021 Definitions.--The following words and phrases as
 1039 used in this chapter have the respective meanings set forth
 1040 unless a different meaning is plainly required by the context:
 1041 (22) "Compensation" means the monthly salary paid a member
 1042 by his or her employer for work performed arising from that
 1043 employment.
 1044 (b) Under no circumstances shall compensation include:
 1045 1. Fees paid professional persons for special or particular
 1046 services or include salary payments made from a faculty practice
 1047 plan authorized by the Board of Governors of the State University
 1048 System ~~operated by rule of the Board of Regents~~ for eligible
 1049 clinical faculty at a state university with a faculty practice
 1050 plan ~~the University of Florida and the University of South~~
 1051 ~~Florida~~; or
 1052 2. Any bonuses or other payments prohibited from inclusion
 1053 in the member's average final compensation and defined in
 1054 subsection (47).
 1055 Section 17. Paragraph (a) of subsection (1) of section
 1056 121.051, Florida Statutes, is amended to read:
 1057 121.051 Participation in the system.--
 1058 (1) COMPULSORY PARTICIPATION.--
 1059 (a) The provisions of this law shall be compulsory as to
 1060 all officers and employees, except elected officers who meet the
 1061 requirements of s. 121.052(3), who are employed on or after
 1062 December 1, 1970, of an employer other than those referred to in
 1063 paragraph (2)(b), and each officer or employee, as a condition of
 1064 employment, shall become a member of the system as of his or her
 1065 date of employment, except that a person who is retired from any
 1066 state retirement system and is reemployed on or after December 1,

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1067	1970, shall not be permitted to renew his or her membership in	
1068	any state retirement system except as provided in s.	
1069	121.091(4)(h) for a person who recovers from disability, and as	
1070	provided in s. 121.091(9)(b)8. for a person who is elected to	
1071	public office, and, effective July 1, 1991, as provided in s.	
1072	121.122 for all other retirees. Officers and employees of the	
1073	University Athletic Association, Inc., a nonprofit association	
1074	connected with the University of Florida, employed on and after	
1075	July 1, 1979, shall not participate in any state-supported	
1076	retirement system. Any person appointed on or after July 1, 1989,	
1077	to a faculty position in a college at the J. Hillis Miller Health	
1078	Center at the University of Florida or the Medical Center at the	
1079	University of South Florida which has a faculty practice plan	
1080	provided by rule adopted by the Board of Regents shall not	
1081	participate in the Florida Retirement System. A faculty member so	
1082	appointed shall participate in the optional retirement program on	
1083	the basis of his or her state-funded compensation,	
1084	notwithstanding the provisions of s. 121.35(2)(a). <u>Any person</u>	
1085	<u>appointed on or after July 1, 2006, to a faculty position in a</u>	
1086	<u>college of a state university which has a faculty practice plan</u>	
1087	<u>authorized by the Board of Governors of the State University</u>	
1088	<u>System shall not participate in the Florida Retirement System. A</u>	
1089	<u>faculty member so appointed shall participate in the optional</u>	
1090	<u>retirement program on the basis of his or her state-funded</u>	
1091	<u>compensation, notwithstanding the provisions of s. 121.35(2)(a).</u>	
1092	Section 18. Paragraphs (b) and (d) of subsection (2),	
1093	paragraph (h) of subsection (3), and paragraphs (a) and (b) of	
1094	subsection (6) of section 121.35, Florida Statutes, are amended	
1095	to read:	

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1096 121.35 Optional retirement program for the State University
1097 System.--

1098 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.--

1099 (b) For purposes of this section, both the appointees and
1100 employees are referred to as "employees," and the "employer" of
1101 an appointee or employee is the individual institution within the
1102 State University System or the Board of Governors of the State
1103 University System ~~State Board of Education~~, whichever is
1104 appropriate with respect to the particular employee or appointee.

1105 (d) For purposes of this section, the authority granted to
1106 the Board of Governors of the State University System ~~State Board~~
1107 ~~of Education~~ may be exercised by the Board of Governors or by the
1108 Chancellor of the State University System ~~Division of Colleges~~
1109 ~~and Universities~~.

1110 (3) ELECTION OF OPTIONAL PROGRAM.--

1111 (h) A participant in the optional retirement program may
1112 not participate in more than one state-administered retirement
1113 system, plan, or class simultaneously. Except as provided in s.
1114 121.052(6)(d), a participant who is or becomes dually employed in
1115 two or more positions covered by the Florida Retirement System,
1116 one of which is eligible for the optional program and one of
1117 which is not, may remain a member of the optional program and
1118 contributions shall be paid as required only on the salary earned
1119 in the position eligible for the optional program during such
1120 period of dual employment; or, within 90 days after becoming
1121 dually employed, he or she may elect membership in the Regular
1122 Class of the Florida Retirement System in lieu of the optional
1123 program and contributions shall be paid as required on the total
1124 salary received for all employment. At retirement, the average

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1125 final compensation used to calculate any benefits for which the
 1126 member becomes eligible under the Florida Retirement System shall
 1127 be based on all salary reported for both positions during such
 1128 period of dual employment. When such member ceases to be dually
 1129 employed, he or she may, within 90 days, elect to remain in the
 1130 Florida Retirement System class for which he or she is eligible
 1131 or to again become a participant in the optional retirement
 1132 program. Failure to elect membership in the optional program
 1133 within 90 days shall result in compulsory membership in the
 1134 Florida Retirement System, except that a member filling a faculty
 1135 position under a faculty practice plan at a state university ~~the~~
 1136 ~~University of Florida or the Medical Center at the University of~~
 1137 ~~South Florida~~ shall again participate in the optional retirement
 1138 program as required in s. 121.051(1)(a).

1139 (6) ADMINISTRATION OF PROGRAM.--

1140 (a) The optional retirement program authorized by this
 1141 section shall be administered by the department. The department
 1142 shall adopt rules establishing the responsibilities of the ~~State~~
 1143 ~~Board of Education and~~ institutions in the State University
 1144 System in administering the optional retirement program. The
 1145 Board of Regents ~~State Board of Education~~ shall, no more than 90
 1146 days after July 1, 1983, submit to the department its
 1147 recommendations for the contracts to be offered by the companies
 1148 chosen by the department. Effective July 1, 2001, the State Board
 1149 of Education shall submit to the department its recommendations
 1150 for the contracts to be offered by the companies chosen by the
 1151 department. Effective July 1, 2006, the Board of Governors of the
 1152 State University System shall submit recommendations on contracts

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1153 within 90 days after request by the department. The
 1154 recommendations of the board shall include the following:
 1155 1. The nature and extent of the rights and benefits in
 1156 relation to the required contributions; and
 1157 2. The suitability of the rights and benefits to the needs
 1158 of the participants and the interests of the institutions in the
 1159 recruitment and retention of eligible employees.
 1160 (b) After receiving and considering the recommendations of
 1161 the Board of Governors of the State University System ~~State Board~~
 1162 ~~of Education~~, the department shall designate no more than five
 1163 companies from which contracts may be purchased under the program
 1164 and shall approve the form and content of the optional retirement
 1165 program contracts. Any domestic company that has been designated
 1166 as of July 1, 2005, shall be included in the five companies until
 1167 expiration of its existing contract with the department. The
 1168 domestic company may assign its contract with the department to
 1169 an affiliated qualified company that is wholly owned by the
 1170 domestic company's parent company and has assumed 100 percent of
 1171 the responsibility for the contracts purchased from the domestic
 1172 company.
 1173 Section 19. Subsection (1) of section 159.703, Florida
 1174 Statutes, is amended to read:
 1175 159.703 Creation of research and development authorities.--
 1176 (1) Subject to the provisions of this part, each county or
 1177 group of counties may create by ordinance a local governmental
 1178 body as a public body corporate and politic to be known as "
 1179 Research and Development Authority," hereafter referred to as
 1180 "authority" or "authorities." Each of the authorities is
 1181 constituted as a public instrumentality for the purposes of

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development, operation, management, and financing of a research and development park, and the exercise by an authority of the powers conferred by ss. 159.701-159.7095 shall be deemed and held to be the performance of an essential public purpose and function. However, no authority created on or after July 1, 2006 ~~July 7, 1988~~, shall transact any business or exercise any power hereunder until and unless the Board of Governors of the State University System ~~Board of Regents~~ has designated the authority pursuant to the requirements of s. 159.704.

Section 20. Subsections (1) and (3) of section 159.704, Florida Statutes, are amended to read:

159.704 Designation by Board of Governors of the State University System ~~Board of Regents~~; procedure.--

(1) The authority shall prepare and submit to the Board of Governors of the State University System ~~Board of Regents~~ a petition requesting that the authority be designated a research and development authority.

(3) Upon approval of the petition and designation as a research and development authority by the Board of Governors of the State University System ~~Board of Regents~~, the authority shall be empowered to transact any business and exercise any power authorized by ss. 159.701-159.7095 for the purposes set out in such sections.

Section 21. Section 159.706, Florida Statutes, is amended to read:

159.706 Grandfather clause.--Each county designated as a research and development authority on June 30, 1979, or designated by the Board of Regents as a research and development authority prior to July 1, 2001, shall be entitled to continue to

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1211 be designated and shall be accorded all powers conferred to
1212 designated authorities by ss. 159.701-159.7095, except that any
1213 authority not constituted and designated under the provisions of
1214 ss. 159.701-159.7095 shall be prohibited from exercising any
1215 power to issue revenue bonds or other debt obligations pursuant
1216 to s. 159.705(6) and (7).

1217 Section 22. Paragraph (b) of subsection (2) of section
1218 211.3103, Florida Statutes, is amended to read:

1219 211.3103 Levy of tax on severance of phosphate rock; rate,
1220 basis, and distribution of tax.--

1221 (2) Beginning July 1, 2003, the proceeds of all taxes,
1222 interest, and penalties imposed under this section shall be paid
1223 into the State Treasury as follows:

1224 (b) The remaining revenues collected from the tax during
1225 that fiscal year, after the required payment under paragraph (a),
1226 shall be paid into the State Treasury as follows:

1227 1. For payment to counties in proportion to the number of
1228 tons of phosphate rock produced from a phosphate rock matrix
1229 located within such political boundary, 18.75 percent. The
1230 department shall distribute this portion of the proceeds annually
1231 based on production information reported by the producers on the
1232 annual returns for the taxable year. Any such proceeds received
1233 by a county shall be used only for phosphate-related expenses.

1234 2. For payment to counties that have been designated a
1235 rural area of critical economic concern pursuant to s. 288.0656
1236 in proportion to the number of tons of phosphate rock produced
1237 from a phosphate rock matrix located within such political
1238 boundary, 15 percent. The department shall distribute this
1239 portion of the proceeds annually based on production information

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1240	reported by the producers on the annual returns for the taxable	
1241	year.	

1242	3. To the credit of the Phosphate Research Trust Fund in	
1243	the <u>Board of Governors of the State University System</u> Department	
1244	of Education, Division of Universities, 11.25 percent.	

1245	4. To the credit of the Minerals Trust Fund, 11.25 percent.	
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1246	5. To the credit of the Nonmandatory Land Reclamation Trust	
1247	Fund, 43.75 percent.	

1248	Section 23. Subsection (2) of section 215.16, Florida	
1249	Statutes, is amended to read:	

1250	215.16 Appropriations from General Revenue Fund for public	
1251	schools, state institutions of higher learning, and community	
1252	colleges; reduction.--	

1253	(2) If the state appropriations from the General Revenue	
1254	Fund for the benefit of the uniform system of public free	
1255	schools, state institutions of higher learning, and community	
1256	colleges cannot be paid in full during any given year, they shall	
1257	be diminished only in the same proportion that appropriations for	
1258	all other purposes from the General Revenue Fund are diminished	
1259	during such year. Additionally, any funding reductions to public	
1260	free schools, state institutions of higher learning, and	
1261	community colleges shall be diminished in proportions identical	
1262	to one another. For the purpose of implementing this section,	
1263	general revenue funds provided for public free schools, state	
1264	institutions of higher learning, and community colleges shall be	
1265	restricted to general revenue funds appropriated for the Division	
1266	of Public Schools and Community Education, the Division of	
1267	Workforce Development, the Division of Universities, excluding	

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1268 ~~the general office of the Board of Regents, and the Division of~~
 1269 ~~Community Colleges, excluding the division office.~~

1270 Section 24. Paragraph (h) of subsection (4) of section
 1271 215.20, Florida Statutes, is amended, and paragraph (y) is added
 1272 to that subsection, to read:

1273 215.20 Certain income and certain trust funds to contribute
 1274 to the General Revenue Fund.--

1275 (4) The income of a revenue nature deposited in the
 1276 following described trust funds, by whatever name designated, is
 1277 that from which the appropriations authorized by subsection (3)
 1278 shall be made:

1279 (h) Within the Department of Education, ~~+~~
 1280 ~~1-~~ the Educational Certification and Service Trust Fund.
 1281 ~~2. The Phosphate Research Trust Fund.~~

1282 (y) Within the Board of Governors of the State University
 1283 System, the Phosphate Research Trust Fund.

1284
 1285 The enumeration of the foregoing moneys or trust funds shall not
 1286 prohibit the applicability thereto of s. 215.24 should the
 1287 Governor determine that for the reasons mentioned in s. 215.24
 1288 the money or trust funds should be exempt herefrom, as it is the
 1289 purpose of this law to exempt income from its force and effect
 1290 when, by the operation of this law, federal matching funds or
 1291 contributions or private grants to any trust fund would be lost
 1292 to the state.

1293 Section 25. Paragraph (b) of subsection (2) of section
 1294 215.32, Florida Statutes, is amended to read:

1295 215.32 State funds; segregation.--

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1296 (2) The source and use of each of these funds shall be as
1297 follows:

1298 (b)1. The trust funds shall consist of moneys received by
1299 the state which under law or under trust agreement are segregated
1300 for a purpose authorized by law. The state agency or branch of
1301 state government receiving or collecting such moneys shall be
1302 responsible for their proper expenditure as provided by law. Upon
1303 the request of the state agency or branch of state government
1304 responsible for the administration of the trust fund, the Chief
1305 Financial Officer may establish accounts within the trust fund at
1306 a level considered necessary for proper accountability. Once an
1307 account is established within a trust fund, the Chief Financial
1308 Officer may authorize payment from that account only upon
1309 determining that there is sufficient cash and releases at the
1310 level of the account.

1311 2. In addition to other trust funds created by law, to the
1312 extent possible, each agency shall use the following trust funds
1313 as described in this subparagraph for day-to-day operations:

1314 a. Operations or operating trust fund, for use as a
1315 depository for funds to be used for program operations funded by
1316 program revenues, with the exception of administrative activities
1317 when the operations or operating trust fund is a proprietary
1318 fund.

1319 b. Operations and maintenance trust fund, for use as a
1320 depository for client services funded by third-party payors.

1321 c. Administrative trust fund, for use as a depository for
1322 funds to be used for management activities that are departmental
1323 in nature and funded by indirect cost earnings and assessments

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1324 against trust funds. Proprietary funds are excluded from the
 1325 requirement of using an administrative trust fund.

1326 d. Grants and donations trust fund, for use as a depository
 1327 for funds to be used for allowable grant or donor agreement
 1328 activities funded by restricted contractual revenue from private
 1329 and public nonfederal sources.

1330 e. Agency working capital trust fund, for use as a
 1331 depository for funds to be used pursuant to s. 216.272.

1332 f. Clearing funds trust fund, for use as a depository for
 1333 funds to account for collections pending distribution to lawful
 1334 recipients.

1335 g. Federal grant trust fund, for use as a depository for
 1336 funds to be used for allowable grant activities funded by
 1337 restricted program revenues from federal sources.

1338

1339 To the extent possible, each agency must adjust its internal
 1340 accounting to use existing trust funds consistent with the
 1341 requirements of this subparagraph. If an agency does not have
 1342 trust funds listed in this subparagraph and cannot make such
 1343 adjustment, the agency must recommend the creation of the
 1344 necessary trust funds to the Legislature no later than the next
 1345 scheduled review of the agency's trust funds pursuant to s.
 1346 215.3206.

1347 3. All such moneys are hereby appropriated to be expended
 1348 in accordance with the law or trust agreement under which they
 1349 were received, subject always to the provisions of chapter 216
 1350 relating to the appropriation of funds and to the applicable laws
 1351 relating to the deposit or expenditure of moneys in the State
 1352 Treasury.

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4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 26. Subsection (5) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.--

(5) Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a ~~Type I~~ center within the State University System dedicated to

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1382 hurricane research. The ~~Type I~~ center shall develop a preliminary
 1383 work plan approved by the advisory council set forth in
 1384 subsection (6) to eliminate the state and local barriers to
 1385 upgrading existing mobile homes and communities, research and
 1386 develop a program for the recycling of existing older mobile
 1387 homes, and support programs of research and development relating
 1388 to hurricane loss reduction devices and techniques for site-built
 1389 residences. The State University System also shall consult with
 1390 the Department of Community Affairs and assist the department
 1391 with the report required under subsection (8).

1392 Section 27. Subsection (2) of section 215.82, Florida
 1393 Statutes, is amended to read:

1394 215.82 Validation; when required.--

1395 (2) Any bonds issued pursuant to this act which are
 1396 validated shall be validated in the manner provided by chapter
 1397 75. In actions to validate bonds to be issued in the name of the
 1398 State Board of Education under s. 9(a) and (d), Art. XII of the
 1399 State Constitution and bonds to be issued pursuant to chapter
 1400 259, the Land Conservation Act of 1972, the complaint shall be
 1401 filed in the circuit court of the county where the seat of state
 1402 government is situated, the notice required to be published by s.
 1403 75.06 shall be published only in the county where the complaint
 1404 is filed, and the complaint and order of the circuit court shall
 1405 be served only on the state attorney of the circuit in which the
 1406 action is pending. In any action to validate bonds issued
 1407 pursuant to s. 1010.62 ~~ss. 1010.61-1010.619~~ or issued pursuant to
 1408 s. 9(a)(1), Art. XII of the State Constitution or issued pursuant
 1409 to s. 215.605 or s. 338.227, the complaint shall be filed in the
 1410 circuit court of the county where the seat of state government is

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situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.

Section 28. Subsection (1) of section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.--

(1) The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state or by the judicial branch, except those with less than 3,000 square feet. The inventory shall include the location, occupying agency, ownership, size, condition assessment, maintenance record, age, parking and employee facilities, and other information as required by the department for determining maintenance needs and life-cycle cost evaluations of the facility. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency or by the judicial branch. The term "facility," as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. The Department of Transportation shall

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1440 develop and maintain an inventory of transportation facilities of
1441 the state transportation system. The Board of Governors of the
1442 State University System and Regents and the Division of Community
1443 Colleges of the Department of Education, respectively, shall
1444 develop and maintain an inventory, in the manner prescribed by
1445 the Department of Management Services, of all state university
1446 and community college ~~higher education~~ facilities and shall make
1447 the data available in a format acceptable to the Department of
1448 Management Services.

1449 Section 29. Paragraph (a) of subsection (2) of section
1450 216.251, Florida Statutes, is amended to read:

1451 216.251 Salary appropriations; limitations.--

1452 (2)(a) The salary for each position not specifically
1453 indicated in the appropriations acts shall be as provided in one
1454 of the following subparagraphs:

1455 1. Within the classification and pay plans provided for in
1456 chapter 110.

1457 2. Within the classification and pay plans established by
1458 the Board of Trustees for the Florida School for the Deaf and the
1459 Blind of the Department of Education and approved by the State
1460 Board of Education for academic and academic administrative
1461 personnel.

1462 3. Within the classification and pay plan approved and
1463 administered by the ~~State Board of Education and the~~ Board of
1464 Governors for those positions in the State University System.

1465 4. Within the classification and pay plan approved by the
1466 President of the Senate and the Speaker of the House of
1467 Representatives, as the case may be, for employees of the
1468 Legislature.

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1469 5. Within the approved classification and pay plan for the
1470 judicial branch.

1471 Section 30. Paragraph (c) of subsection (2) and paragraph
1472 (c) of subsection (4) of section 220.15, Florida Statutes, are
1473 amended to read:

1474 220.15 Apportionment of adjusted federal income.--

1475 (2) The property factor is a fraction the numerator of
1476 which is the average value of the taxpayer's real and tangible
1477 personal property owned or rented and used in this state during
1478 the taxable year or period and the denominator of which is the
1479 average value of such property owned or rented and used
1480 everywhere.

1481 (c) The property factor fraction shall not include any real
1482 or tangible personal property located in this state with respect
1483 to which it is certified to the Department of Revenue that such
1484 property is dedicated exclusively to research and development
1485 activities performed pursuant to sponsored research contracts
1486 conducted in conjunction with and through a university that is a
1487 member of the State University System or a nonpublic university
1488 that is chartered in Florida and conducts graduate programs at
1489 the professional or doctoral level. The Board of Governors of the
1490 State University System ~~Board of Regents~~ must certify the
1491 contracts for members of the State University System, and the
1492 president of the university must certify the contracts for a
1493 nonpublic university. As used in this paragraph, "sponsored
1494 research contract" means an agreement executed by parties that
1495 include at least the university and the taxpayer. Funding for
1496 sponsored research contracts may be provided from public or
1497 private sources.

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1498 (4) The payroll factor is a fraction the numerator of which
1499 is the total amount paid in this state during the taxable year or
1500 period by the taxpayer for compensation and the denominator of
1501 which is the total compensation paid everywhere during the
1502 taxable year or period.

1503 (c) The payroll factor fraction shall not include any
1504 compensation paid to any employee located in this state when it
1505 is certified to the Department of Revenue that such compensation
1506 was paid to employees dedicated exclusively to research and
1507 development activities performed pursuant to sponsored research
1508 contracts conducted in conjunction with and through a university
1509 that is a member of the State University System or a nonpublic
1510 university that is chartered in Florida and conducts graduate
1511 programs at the professional or doctoral level. The Board of
1512 Governors of the State University System ~~Board of Regents~~ must
1513 certify the contracts for members of the State University System,
1514 and the president of the university must certify the contracts
1515 for a nonpublic university. As used in this paragraph, "sponsored
1516 research contract" means an agreement executed by parties that
1517 include at least the university and the taxpayer. Funding for
1518 sponsored research contracts may be provided from public or
1519 private sources.

1520 Section 31. Paragraph (c) of subsection (7) of section
1521 250.10, Florida Statutes, is amended to read:

1522 250.10 Appointment and duties of the Adjutant General.--

1523 (7) The Adjutant General, the Board of Governors of the
1524 State University System, and the State Board of Education shall
1525 develop education assistance programs for members in good

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1526 standing of the active Florida National Guard who enroll in a
1527 public institution of higher learning in the state.

1528 (c) The Adjutant General, together with the Board of
1529 Governors of the State University System and the State Board of
1530 Education, shall adopt rules for the overall policy, guidance,
1531 administration, implementation, and proper utilization of the
1532 program. Such rules must include, but not be limited to,
1533 guidelines for certification by the Adjutant General of a guard
1534 member's eligibility, procedures for notification to an
1535 institution of a guard member's termination of eligibility, and
1536 procedures for restitution when a guard member fails to comply
1537 with the penalties described in this section.

1538 Section 32. Subsection (2) of section 252.385, Florida
1539 Statutes, is amended to read:

1540 252.385 Public shelter space.--

1541 (2) The division shall administer a program to survey
1542 existing schools, universities, community colleges, and other
1543 state-owned, municipally owned, and county-owned public buildings
1544 and any private facility that the owner, in writing, agrees to
1545 provide for use as a public hurricane evacuation shelter to
1546 identify those that are appropriately designed and located to
1547 serve as such shelters. The owners of the facilities must be
1548 given the opportunity to participate in the surveys. The state
1549 university boards of trustees ~~Board of Regents~~, district school
1550 boards, community college boards of trustees, and the Department
1551 of Education are responsible for coordinating and implementing
1552 the survey of public schools, universities, and community
1553 colleges with the division or the local emergency management
1554 agency.

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1555 Section 33. Section 253.381, Florida Statutes, is amended
1556 to read:

1557 253.381 Unsurveyed marshlands; sale to upland owners.--The
1558 Board of Trustees of the Internal Improvement Trust Fund of the
1559 state is ~~is and the State Board of Education are~~ hereby authorized
1560 to make sales of unsurveyed marshlands to record owners of
1561 uplands which have been surveyed by the United States, and to
1562 make equitable divisions of unsurveyed marsh areas and
1563 allocations of the same for sales with due respect to upland
1564 ownership, sales heretofore made, natural divisions of the
1565 unsurveyed marshes which are indicated by the general courses of
1566 water channels within or across the unsurveyed marshes and to
1567 other topographical features of the affected areas.

1568 Section 34. Section 255.02, Florida Statutes, is amended to
1569 read:

1570 255.02 Boards authorized to replace buildings destroyed by
1571 fire.--The Department of Management Services, ~~the Board of~~
1572 ~~Regents of the Department of Education,~~ or any other board or
1573 person having the direct supervision and control of any state
1574 building or state property, may have rebuilt or replaced, out of
1575 the proceeds from the fire insurance on such buildings or
1576 property, any buildings or property owned by the state, which may
1577 be destroyed in whole or in part by fire.

1578 Section 35. Subsection (2) of section 255.043, Florida
1579 Statutes, is amended to read:

1580 255.043 Art in state buildings.--

1581 (2) The Department of Management Services, ~~the Board of~~
1582 ~~Regents,~~ or other state agencies receiving appropriations for
1583 original constructions shall notify the Florida Arts Council and

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1584 the user agency of any construction project which is eligible
1585 under the provisions of this section. The Department of
1586 Management Services, ~~the Board of Regents,~~ or other state agency
1587 shall determine the amount to be made available for purchase or
1588 commission of works of art for each project and shall report
1589 these amounts to the Florida Arts Council and the user agency.
1590 Payments therefor shall be made from funds appropriated for fixed
1591 capital outlay according to law.

1592 Section 36. Subsection (2) of section 255.102, Florida
1593 Statutes, is amended to read:

1594 255.102 Contractor utilization of minority business
1595 enterprises.--

1596 (2) The Office of Supplier Diversity, in collaboration with
1597 the Board of Governors of the State University System, shall
1598 adopt rules to determine what is a "good faith effort" for
1599 purposes of contractor compliance with minority participation
1600 goals established for competitively awarded building and
1601 construction projects. Pro forma efforts shall not be considered
1602 good faith. Factors which shall be considered by the state agency
1603 in determining whether a contractor has made good faith efforts
1604 shall include, but not be limited to:

1605 (a) Whether the contractor attended any presolicitation or
1606 prebid meetings that were scheduled by the agency to inform
1607 minority business enterprises of contracting and subcontracting
1608 opportunities.

1609 (b) Whether the contractor advertised in general
1610 circulation, trade association, or minority-focus media
1611 concerning the subcontracting opportunities.

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1612 (c) Whether the contractor provided written notice to all
1613 relevant subcontractors listed on the minority vendor list for
1614 that locality and statewide as provided by the agency as of the
1615 date of issuance of the invitation to bid, that their interest in
1616 the contract was being solicited in sufficient time to allow the
1617 minority business enterprises to participate effectively.

1618 (d) Whether the contractor followed up initial
1619 solicitations of interest by contacting minority business
1620 enterprises, the Office of Supplier Diversity, or minority
1621 persons who responded and provided detailed information about
1622 prebid meetings, access to plans, specifications, contractor's
1623 project manager, subcontractor bonding, if any, payment schedule,
1624 bid addenda, and other assistance provided by the contractor to
1625 enhance minority business enterprise participation.

1626 (e) Whether the contractor selected portions of the work to
1627 be performed by minority business enterprises in order to
1628 increase the likelihood of meeting the minority business
1629 enterprise procurement goals, including, where appropriate,
1630 breaking down contracts into economically feasible units to
1631 facilitate minority business enterprise participation under
1632 reasonable and economical conditions of performance.

1633 (f) Whether the contractor provided the Office of Supplier
1634 Diversity as well as interested minority business enterprises or
1635 minority persons with adequate information about the plans,
1636 specifications, and requirements of the contract or the
1637 availability of jobs at a time no later than when such
1638 information was provided to other subcontractors.

1639 (g) Whether the contractor negotiated in good faith with
1640 interested minority business enterprises or minority persons, not

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1641 rejecting minority business enterprises or minority persons as
1642 unqualified without sound reasons based on a thorough
1643 investigation of their capabilities or imposing implausible
1644 conditions of performance on the contract.

1645 (h) Whether the contractor diligently seeks to replace a
1646 minority business enterprise subcontractor that is unable to
1647 perform successfully with another minority business enterprise.

1648 (i) Whether the contractor effectively used the services of
1649 available minority community organizations; minority contractors'
1650 groups; local, state, and federal minority business assistance
1651 offices; and other organizations that provide assistance in the
1652 recruitment and placement of minority business enterprises or
1653 minority persons.

1654 Section 37. Subsection (23) of section 280.02, Florida
1655 Statutes, is amended to read:

1656 280.02 Definitions.--As used in this chapter, the term:

1657 (23) "Public deposit" means the moneys of the state or of
1658 any state university, county, school district, community college
1659 district, special district, metropolitan government, or
1660 municipality, including agencies, boards, bureaus, commissions,
1661 and institutions of any of the foregoing, or of any court, and
1662 includes the moneys of all county officers, including
1663 constitutional officers, that are placed on deposit in a bank,
1664 savings bank, or savings association and for which the bank,
1665 savings bank, or savings association is required to maintain
1666 reserves. This includes, but is not limited to, time deposit
1667 accounts, demand deposit accounts, and nonnegotiable certificates
1668 of deposit. Moneys in deposit notes and in other nondeposit
1669 accounts such as repurchase or reverse repurchase operations are

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1670 not public deposits. Securities, mutual funds, and similar types
 1671 of investments are not considered public deposits and shall not
 1672 be subject to the provisions of this chapter.

1673 Section 38. Section 286.001, Florida Statutes, is amended
 1674 to read:

1675 286.001 Reports statutorily required; filing, maintenance,
 1676 retrieval, and provision of copies.--

1677 (1) Unless otherwise specifically provided by law, any
 1678 agency or officer of the executive, legislative, or judicial
 1679 branches of state government, the State Board of Education, the
 1680 Board of Governors of the State University System ~~Community~~
 1681 ~~Colleges, the Board of Regents,~~ or the Public Service Commission
 1682 required or authorized by law to make reports regularly or
 1683 periodically shall fulfill such requirement by filing an abstract
 1684 of the report with the statutorily or administratively designated
 1685 recipients of the report and an abstract and one copy of the
 1686 report with the Division of Library and Information Services of
 1687 the Department of State, unless the head of the reporting entity
 1688 makes a determination that the additional cost of providing the
 1689 entire report to the statutorily or administratively designated
 1690 recipients is justified. A one-page summary justifying the
 1691 determination shall be submitted to the chairs of the
 1692 governmental operations committees of both houses of the
 1693 Legislature. The abstract of the contents of such report shall be
 1694 no more than one-half page in length. The actual report shall be
 1695 retained by the reporting agency or officer, and copies of the
 1696 report shall be provided to interested parties and the
 1697 statutorily or administratively designated recipients of the
 1698 report upon request.

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1699 (2) With respect to reports statutorily required of
 1700 agencies or officers within the executive, legislative, or
 1701 judicial branches of state government, the State Board of
 1702 Education, the Board of Governors of the State University System
 1703 ~~Community Colleges, the Board of Regents,~~ or the Public Service
 1704 Commission, it is the duty of the division, in addition to its
 1705 duties under s. 257.05, to:

1706 (a) Regularly compile and update bibliographic information
 1707 on such reports for distribution as provided in paragraph (b).
 1708 Such bibliographic information may be included in the
 1709 bibliographies prepared by the division pursuant to s.
 1710 257.05(3)(c).

1711 (b) Provide for at least quarterly distribution of
 1712 bibliographic information on reports to:

1713 1. Agencies and officers within the executive, legislative,
 1714 and judicial branches of state government, the State Board of
 1715 Education, the Board of Governors of the State University System
 1716 ~~Community Colleges, the Board of Regents,~~ and the Public Service
 1717 Commission, free of charge; and

1718 2. Other interested parties upon request properly made and
 1719 upon payment of the actual cost of duplication pursuant to s.
 1720 119.07(1).

1721 (3) As soon as practicable, the administrative head of each
 1722 executive, legislative, or judicial agency and each agency of the
 1723 State Board of Education, the Board of Governors of the State
 1724 University System ~~Community Colleges, the Board of Regents,~~ and
 1725 the Public Service Commission required by law to make reports
 1726 periodically shall ensure that those reports are created, stored,

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1727 managed, updated, retrieved, and disseminated through electronic
 1728 means.

1729 (4) Nothing in this section shall be construed to waive or
 1730 modify the requirement in s. 257.05(2) pertaining to the
 1731 provision of copies of public documents to the division.

1732 Section 39. Subsection (5) of section 286.036, Florida
 1733 Statutes, is amended to read:

1734 286.036 Taxation and Budget Reform Commission; powers.--

1735 (5) The Taxation and Budget Reform Commission is assigned,
 1736 for administrative purposes, to the Office of Economic and
 1737 Demographic Research Board of Regents. The Office of Economic and
 1738 Demographic Research Board of Regents is directed to expedite,
 1739 where possible, the business of the commission consistent with
 1740 prudent financial and management practices.

1741 Section 40. Subsection (1) of section 287.012, Florida
 1742 Statutes, is amended to read:

1743 287.012 Definitions.--As used in this part, the term:

1744 (1) "Agency" means any of the various state officers,
 1745 departments, boards, commissions, divisions, bureaus, and
 1746 councils and any other unit of organization, however designated,
 1747 of the executive branch of state government. "Agency" includes
 1748 the Board of Governors of the State University System which is
 1749 responsible for appropriate procurement policies for the state
 1750 universities and, therefore, "agency" does not include the
 1751 university and college boards of trustees or the state
 1752 universities and colleges.

1753 Section 41. Subsection (1) of section 287.064, Florida
 1754 Statutes, is amended to read:

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1755 287.064 Consolidated financing of deferred-payment
1756 purchases.--

1757 (1) The Division of Bond Finance of the State Board of
1758 Administration and the Chief Financial Officer shall plan and
1759 coordinate deferred-payment purchases made by or on behalf of the
1760 state or its agencies or by or on behalf of state universities or
1761 state community colleges participating under this section
1762 pursuant to s. 1001.74~~(6)~~(5) or s. 1001.64(26), respectively. The
1763 Division of Bond Finance shall negotiate and the Chief Financial
1764 Officer shall execute agreements and contracts to establish
1765 master equipment financing agreements for consolidated financing
1766 of deferred-payment, installment sale, or lease purchases with a
1767 financial institution or a consortium of financial institutions.
1768 As used in this act, the term "deferred-payment" includes
1769 installment sale and lease-purchase.

1770 (a) The period during which equipment may be acquired under
1771 any one master equipment financing agreement shall be limited to
1772 not more than 3 years.

1773 (b) Repayment of the whole or a part of the funds drawn
1774 pursuant to the master equipment financing agreement may continue
1775 beyond the period established pursuant to paragraph (a).

1776 (c) The interest rate component of any master equipment
1777 financing agreement shall be deemed to comply with the interest
1778 rate limitation imposed in s. 287.063 so long as the interest
1779 rate component of every interagency, state university, or
1780 community college agreement entered into under such master
1781 equipment financing agreement complies with the interest rate
1782 limitation imposed in s. 287.063. Such interest rate limitation
1783 does not apply when the payment obligation under the master

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equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Chief Financial Officer.

Section 42. Subsection (1) of section 287.155, Florida Statutes, is amended to read:

287.155 Motor vehicles; purchase by state universities ~~Division of Universities~~, Department of Children and Family Services, Department of Health, Department of Juvenile Justice, and Department of Corrections.--

(1) The state universities ~~Division of Universities of the Department of Education~~, the Department of Children and Family Services, the Department of Health, the Department of Juvenile Justice, and the Department of Corrections are hereby authorized, subject to the approval of the Department of Management Services, to purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of the Board of Governors of the State University System ~~Division of Universities~~, the Department of Children and Family Services, the Department of Health, and the Department of Corrections, and for the use of residential facilities managed or contracted by the Department of Juvenile Justice.

Section 43. Paragraph (d) of subsection (5) of section 288.15, Florida Statutes, is amended to read:

288.15 Powers of Division of Bond Finance.--There is hereby granted to and vested in the Division of Bond Finance of the State Board of Administration the power, right, franchise, and authority:

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1812 (5) In order to carry out the objectives and purposes of
1813 this chapter, the division is authorized to acquire, own,
1814 construct, operate, maintain, improve, and extend public
1815 buildings, facilities, or works within the state which are of the
1816 character hereinafter specifically mentioned. All public
1817 buildings, facilities, and works which the division is authorized
1818 to own, construct, operate, and maintain must be such as can
1819 ultimately be owned and operated by an agency, department, board,
1820 bureau, or commission of the state. All or any such buildings,
1821 facilities, or works may be of a revenue-producing character in
1822 order that the cost of the same or some part of improvements or
1823 extensions thereto may be paid from receipts therefrom, including
1824 in Tallahassee only rentals, leases, and sales to both public and
1825 nonpublic agencies through the issue and sales or disposition of
1826 revenue bonds, notes, or certificates of the division. The
1827 buildings, facilities, and works which the division is hereby
1828 authorized to acquire, construct, operate, maintain, improve, and
1829 extend are:

1830 (d) Public buildings, facilities, and additions or
1831 improvements to existing buildings and facilities for ultimate
1832 use in connection with any of the several state institutions,
1833 departments, bureaus, boards, or commissions; and, in furtherance
1834 of this paragraph, the Department of Management Services, the
1835 Board of Governors of the State University System, and the State
1836 Board of Education are authorized to cooperate with the Division
1837 of Bond Finance and to do and perform all acts and things
1838 necessary thereto. Any property acquired by the Division of Bond
1839 Finance under the provisions of this chapter may ultimately be

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1840 conveyed to the state free and clear of all debt or other
1841 encumbrance.

1842 Section 44. Section 288.17, Florida Statutes, is amended to
1843 read:

1844 288.17 Revenue certificates.--The Division of Bond Finance
1845 of the State Board of Administration is authorized to issue
1846 interest-bearing revenue certificates for construction of all
1847 state buildings approved by the Legislature in its appropriation
1848 acts and requested by the Department of Management Services or by
1849 the Board of Governors of the State University System ~~Board of~~
1850 ~~Regents~~.

1851 Section 45. Subsection (7) of section 288.7091, Florida
1852 Statutes, is amended to read:

1853 288.7091 Duties of the Florida Black Business Investment
1854 Board, Inc.--The Florida Black Business Investment Board, Inc.,
1855 shall:

1856 (7) Develop memoranda of understanding with the Departments
1857 of Education, Transportation, Community Affairs, and Management
1858 Services, as well as with Workforce Florida, Inc., the Board of
1859 Governors of the State University System, and the State Board of
1860 Education, detailing efforts of common interest and
1861 collaborations to expand black business development;

1862 Section 46. Subsection (3) of section 288.8175, Florida
1863 Statutes, is amended to read:

1864 288.8175 Linkage institutes between postsecondary
1865 institutions in this state and foreign countries.--

1866 (3) Each institute must be governed by an agreement,
1867 ~~approved by the department,~~ between the Board of Governors of the
1868 State University System and the State Board of Education ~~Florida~~

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1869 ~~Community College System~~ with the counterpart organization in a
1870 foreign country. Each institute must report to the department
1871 regarding its program activities, expenditures, and policies.

1872 Section 47. Paragraph (a) of subsection (4) of section
1873 295.07, Florida Statutes, is amended to read:

1874 295.07 Preference in appointment and retention.--

1875 (4) The following positions are exempt from this section:

1876 (a) Those positions that are exempt from the state Career
1877 Service System under s. 110.205(2); however, all positions under
1878 the University Support Personnel System of the State University
1879 System as well as all Career Service System positions under the
1880 Florida Community College System and the School for the Deaf and
1881 the Blind, or the equivalent of such positions at state
1882 universities, community colleges, or the School for the Deaf and
1883 the Blind, are included.

1884 Section 48. Paragraph (b) of subsection (3) of section
1885 320.08058, Florida Statutes, is amended to read:

1886 320.08058 Specialty license plates.--

1887 (3) COLLEGIATE LICENSE PLATES.--

1888 (b) A collegiate plate annual use fee is to be distributed
1889 to the state or independent university foundation designated by
1890 the purchaser for deposit in an unrestricted account. The Board
1891 of Governors of the State University System ~~Board of Regents~~
1892 shall require each state university to submit a plan for approval
1893 of the expenditure of all funds so designated. These funds may be
1894 used only for academic enhancement, including scholarships and
1895 private fundraising activities.

1896 Section 49. Subsection (4) of section 381.79, Florida
1897 Statutes, is amended to read:

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1898 381.79 Brain and Spinal Cord Injury Program Trust Fund.--
1899 (4) The Board of Governors of the State University System
1900 ~~Board of Regents~~ shall establish a program administration process
1901 which shall include: an annual prospective program plan with
1902 goals, research design, proposed outcomes, a proposed budget, an
1903 annual report of research activities and findings, and an annual
1904 end-of-year financial statement. Prospective program plans shall
1905 be submitted to the Board of Governors ~~Board of Regents~~, and
1906 funds shall be released upon acceptance of the proposed program
1907 plans. The annual report of research activities and findings
1908 shall be submitted to the Board of Governors ~~Board of Regents~~,
1909 with the executive summaries submitted to the President of the
1910 Senate, the Speaker of the House of Representatives, and the
1911 Secretary of Health.
1912 Section 50. Subsection (1) of section 403.073, Florida
1913 Statutes, is amended to read:
1914 403.073 Pollution prevention; state goal; agency programs;
1915 public education.--
1916 (1) It is a goal of the state that all its agencies, the
1917 State University System, community colleges ~~the State Board of~~
1918 ~~Community Colleges~~, and all municipalities, counties, regional
1919 agencies, and special districts develop and implement strategies
1920 to prevent pollution, including public information programs and
1921 education programs.
1922 Section 51. Subsection (2) of section 403.074, Florida
1923 Statutes, is amended to read:
1924 403.074 Technical assistance by the department.--
1925 (2) The program shall include onsite, nonregulatory
1926 technical assistance and shall promote and sponsor conferences on

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1927 pollution prevention techniques. The program may be conducted in
 1928 cooperation with trade associations, trade schools, the State
 1929 University System, community colleges ~~the State Board of~~
 1930 ~~Community Colleges~~, or other appropriate entities.

1931 Section 52. Paragraph (b) of subsection (1) of section
 1932 409.908, Florida Statutes, is amended to read:

1933 409.908 Reimbursement of Medicaid providers.--Subject to
 1934 specific appropriations, the agency shall reimburse Medicaid
 1935 providers, in accordance with state and federal law, according to
 1936 methodologies set forth in the rules of the agency and in policy
 1937 manuals and handbooks incorporated by reference therein. These
 1938 methodologies may include fee schedules, reimbursement methods
 1939 based on cost reporting, negotiated fees, competitive bidding
 1940 pursuant to s. 287.057, and other mechanisms the agency considers
 1941 efficient and effective for purchasing services or goods on
 1942 behalf of recipients. If a provider is reimbursed based on cost
 1943 reporting and submits a cost report late and that cost report
 1944 would have been used to set a lower reimbursement rate for a rate
 1945 semester, then the provider's rate for that semester shall be
 1946 retroactively calculated using the new cost report, and full
 1947 payment at the recalculated rate shall be effected retroactively.
 1948 Medicare-granted extensions for filing cost reports, if
 1949 applicable, shall also apply to Medicaid cost reports. Payment
 1950 for Medicaid compensable services made on behalf of Medicaid
 1951 eligible persons is subject to the availability of moneys and any
 1952 limitations or directions provided for in the General
 1953 Appropriations Act or chapter 216. Further, nothing in this
 1954 section shall be construed to prevent or limit the agency from
 1955 adjusting fees, reimbursement rates, lengths of stay, number of

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1956	visits, or number of services, or making any other adjustments	
1957	necessary to comply with the availability of moneys and any	
1958	limitations or directions provided for in the General	
1959	Appropriations Act, provided the adjustment is consistent with	
1960	legislative intent.	
1961	(1) Reimbursement to hospitals licensed under part I of	
1962	chapter 395 must be made prospectively or on the basis of	
1963	negotiation.	
1964	(b) Reimbursement for hospital outpatient care is limited	
1965	to \$1,500 per state fiscal year per recipient, except for:	
1966	1. Such care provided to a Medicaid recipient under age 21,	
1967	in which case the only limitation is medical necessity.	
1968	2. Renal dialysis services.	
1969	3. Other exceptions made by the agency.	
1970		
1971	The agency is authorized to receive funds from state entities,	
1972	including, but not limited to, the Department of Health, the	
1973	<u>Board of Governors of the State University System</u> Board of	
1974	Regents , local governments, and other local political	
1975	subdivisions, for the purpose of making payments, including	
1976	federal matching funds, through the Medicaid outpatient	
1977	reimbursement methodologies. Funds received from state entities	
1978	and local governments for this purpose shall be separately	
1979	accounted for and shall not be commingled with other state or	
1980	local funds in any manner.	
1981	Section 53. Paragraph (d) of subsection (2) of section	
1982	413.051, Florida Statutes, is amended to read:	
1983	413.051 Eligible blind persons; operation of vending	
1984	stands.--	

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1985 (2) As used in this section, the term:

1986 (d) "State property" means any building or land owned,

1987 leased, or otherwise controlled by the state, but does not

1988 include any building or land under the control of a state

1989 university board of trustees ~~the Board of Regents~~, a community

1990 college district board of trustees, or any state correctional

1991 institution as defined in s. 944.02.

1992 Section 54. Subsection (2), paragraph (a) of subsection

1993 (4), and subsection (10) of section 447.203, Florida Statutes,

1994 are amended to read:

1995 447.203 Definitions.--As used in this part:

1996 (2) "Public employer" or "employer" means the state or any

1997 county, municipality, or special district or any subdivision or

1998 agency thereof which the commission determines has sufficient

1999 legal distinctiveness properly to carry out the functions of a

2000 public employer. With respect to all public employees determined

2001 by the commission as properly belonging to a statewide bargaining

2002 unit composed of State Career Service System employees or

2003 Selected Professional Service employees, the Governor shall be

2004 deemed to be the public employer; and the Board of Governors of

2005 the State University System, or the board's designee, university

2006 ~~board of trustees~~ shall be deemed to be the public employer with

2007 respect to all public employees of each constituent ~~the~~

2008 ~~respective~~ state university. The board of trustees of a community

2009 college shall be deemed to be the public employer with respect to

2010 all employees of the community college. The district school board

2011 shall be deemed to be the public employer with respect to all

2012 employees of the school district. The Board of Trustees of the

2013 Florida School for the Deaf and the Blind shall be deemed to be

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2014 the public employer with respect to the academic and academic
2015 administrative personnel of the Florida School for the Deaf and
2016 the Blind. The Governor shall be deemed to be the public employer
2017 with respect to all employees in the Correctional Education
2018 Program of the Department of Corrections established pursuant to
2019 s. 944.801.

2020 (4) "Managerial employees" are those employees who:

2021 (a) Perform jobs that are not of a routine, clerical, or
2022 ministerial nature and require the exercise of independent
2023 judgment in the performance of such jobs and to whom one or more
2024 of the following applies:

2025 1. They formulate or assist in formulating policies which
2026 are applicable to bargaining unit employees.

2027 2. They may reasonably be required on behalf of the
2028 employer to assist in the preparation for the conduct of
2029 collective bargaining negotiations.

2030 3. They have a role in the administration of agreements
2031 resulting from collective bargaining negotiations.

2032 4. They have a significant role in personnel
2033 administration.

2034 5. They have a significant role in employee relations.

2035 ~~6. They are included in the definition of administrative~~
2036 ~~personnel contained in s. 1012.01(3).~~

2037 6.7. They have a significant role in the preparation or
2038 administration of budgets for any public agency or institution or
2039 subdivision thereof.

2040
2041 However, in determining whether an individual is a managerial
2042 employee pursuant to either paragraph (a) or paragraph (b),

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2043 above, the commission may consider historic relationships of the
2044 employee to the public employer and to coemployees.

2045 (10) "Legislative body" means the State Legislature, the
2046 board of county commissioners, the district school board, the
2047 governing body of a municipality, or the governing body of an
2048 instrumentality or unit of government having authority to
2049 appropriate funds and establish policy governing the terms and
2050 conditions of employment and which, as the case may be, is the
2051 appropriate legislative body for the bargaining unit. For
2052 purposes of s. 447.403, the Board of Governors of the State
2053 University System, or the board's designee, ~~state university~~
2054 ~~board of trustees~~ shall be deemed to be the legislative body with
2055 respect to all employees of each constituent ~~the~~ state
2056 university. For purposes of s. 447.403 the board of trustees of a
2057 community college shall be deemed to be the legislative body with
2058 respect to all employees of the community college.

2059 Section 55. Section 455.2125, Florida Statutes, is amended
2060 to read:

2061 455.2125 Consultation with postsecondary education boards
2062 prior to adoption of changes to training requirements.--Any state
2063 agency or board that has jurisdiction over the regulation of a
2064 profession or occupation shall consult with the Commission for
2065 Independent Education, the Board of Governors of the State
2066 University System ~~Board of Regents~~, and the State Board of
2067 Education prior to adopting any changes to training requirements
2068 relating to entry into the profession or occupation. This
2069 consultation must allow the educational board to provide advice
2070 regarding the impact of the proposed changes in terms of the
2071 length of time necessary to complete the training program and the

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2072 fiscal impact of the changes. The educational board must be
2073 consulted only when an institution offering the training program
2074 falls under its jurisdiction.

2075 Section 56. Section 456.028, Florida Statutes, is amended
2076 to read:

2077 456.028 Consultation with postsecondary education boards
2078 prior to adoption of changes to training requirements.--Any state
2079 agency or board that has jurisdiction over the regulation of a
2080 profession or occupation shall consult with the Commission for
2081 Independent Education, the Board of Governors of the State
2082 University System ~~Board of Regents~~, and the State Board of
2083 Education prior to adopting any changes to training requirements
2084 relating to entry into the profession or occupation. This
2085 consultation must allow the educational board to provide advice
2086 regarding the impact of the proposed changes in terms of the
2087 length of time necessary to complete the training program and the
2088 fiscal impact of the changes. The educational board must be
2089 consulted only when an institution offering the training program
2090 falls under its jurisdiction.

2091 Section 57. Subsection (3) of section 489.103, Florida
2092 Statutes, is amended to read:

2093 489.103 Exemptions.--This part does not apply to:

2094 (3) An authorized employee of the United States, this
2095 state, or any municipality, county, irrigation district,
2096 reclamation district, or any other municipal or political
2097 subdivision, except school boards, state university boards of
2098 trustees, and community college boards of trustees ~~the Board of~~
2099 ~~Regents, and community colleges~~, unless for the purpose of
2100 performing routine maintenance or repair or construction not

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2101 exceeding \$200,000 to existing installations, if the employee
2102 does not hold himself or herself out for hire or otherwise engage
2103 in contracting except in accordance with his or her employment.
2104 If the construction, remodeling, or improvement exceeds \$200,000,
2105 school boards, state university boards of trustees, and community
2106 college boards of trustees ~~the Board of Regents, and community~~
2107 ~~colleges,~~ shall not divide the project into separate components
2108 for the purpose of evading this section.

2109 Section 58. Subsection (2) of section 489.503, Florida
2110 Statutes, is amended to read:

2111 489.503 Exemptions.--This part does not apply to:

2112 (2) An authorized employee of the United States, this
2113 state, or any municipality, county, irrigation district,
2114 reclamation district, or any other municipal or political
2115 subdivision of this state, except school boards, state university
2116 boards of trustees, and community college boards of trustees ~~the~~
2117 ~~Board of Regents, and community colleges,~~ unless for the purpose
2118 of performing routine maintenance or repair or construction not
2119 exceeding \$200,000 to existing installations, as long as the
2120 employee does not hold himself or herself out for hire or
2121 otherwise engage in contracting except in accordance with his or
2122 her employment. If the construction, remodeling, or improvement
2123 exceeds \$200,000, school boards, state university boards of
2124 trustees, and community college boards of trustees ~~the Board of~~
2125 ~~Regents, and community colleges,~~ shall not divide the project
2126 into separate components for the purpose of evading this section.

2127 Section 59. Subsection (5) of section 553.71, Florida
2128 Statutes, is amended to read:

2129 553.71 Definitions.--As used in this part, the term:

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2130 (5) "Local enforcement agency" means an agency of local
2131 government, a local school board, a community college board of
2132 trustees, or a university board of trustees in the State
2133 University System with jurisdiction to make inspections of
2134 buildings and to enforce the codes which establish standards for
2135 design, construction, erection, alteration, repair, modification,
2136 or demolition of public or private buildings, structures, or
2137 facilities.

2138 Section 60. Subsection (7) of section 633.01, Florida
2139 Statutes, is amended to read:

2140 633.01 State Fire Marshal; powers and duties; rules.--

2141 (7) The State Fire Marshal shall adopt and administer rules
2142 prescribing standards for the safety and health of occupants of
2143 educational and ancillary facilities pursuant to ss. 633.022,
2144 1013.12, 1013.37, and 1013.371. In addition, in any county that
2145 does not employ or appoint a local fire official, the State Fire
2146 Marshal shall assume the duties of the local fire official with
2147 respect to firesafety inspections of educational property
2148 required under s. 1013.12(3)~~(2)~~(b), and the State Fire Marshal
2149 may take necessary corrective action as authorized under s.
2150 1013.12(6)~~(5)~~.

2151 Section 61. Subsection (5) of section 650.03, Florida
2152 Statutes, is amended to read:

2153 650.03 Federal-state agreement; interstate
2154 instrumentalities.--

2155 (5) For purposes of this chapter employees of the
2156 institutions of higher learning under the Board of Governors of
2157 the State University System ~~Board of Regents~~ who are covered by

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2158 the Teachers' Retirement System shall be deemed to be covered by
2159 a separate retirement system for each institution.

2160 Section 62. Subsection (2) of section 943.1755, Florida
2161 Statutes, is amended to read:

2162 943.1755 Florida Criminal Justice Executive Institute.--

2163 (2) The institute is established within the Department of
2164 Law Enforcement and affiliated with the State University System.
2165 The Board of Governors of the State University System ~~Board of~~
2166 ~~Regents~~ shall, in cooperation with the Department of Law
2167 Enforcement, determine the specific placement of the institute
2168 within the system.

2169 Section 63. Subsection (3) of section 1000.01, Florida
2170 Statutes, is amended to read:

2171 1000.01 The Florida K-20 education system; technical
2172 provisions.--

2173 (3) PURPOSE.--The purpose of the Florida K-20 Education
2174 Code is to provide by law for a state system of schools, courses,
2175 classes, and educational institutions and services adequate to
2176 allow, for all Florida's students, the opportunity to obtain a
2177 high quality education. This includes the establishment,
2178 maintenance, and operation of institutions of higher learning and
2179 other public education programs that the needs of the people may
2180 require. The Florida K-20 education system is established to
2181 accomplish this purpose; however, nothing in this code shall be
2182 construed to require the provision of free public education
2183 beyond grade 12.

2184 Section 64. Subsection (1) and paragraphs (b) and (c) of
2185 subsection (2) of section 1000.03, Florida Statutes, are amended
2186 to read:

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2187 1000.03 Function, mission, and goals of the Florida K-20
2188 education system.--
2189 (1) Florida's K-20 education system shall be a
2190 decentralized system without excess layers of bureaucracy. ~~The~~
2191 ~~State Board of Education may appoint on an ad hoc basis a~~
2192 ~~committee or committees to assist it on any and all issues within~~
2193 ~~the K-20 education system.~~ Florida's K-20 education system shall
2194 maintain a systemwide technology plan based on a common set of
2195 data definitions.
2196 (2)
2197 (b) With the exception of matters directly relating to the
2198 State University System, the State Board of Education shall
2199 oversee the enforcement of all laws and rules, and the timely
2200 provision of direction, resources, assistance, intervention when
2201 needed, and strong incentives and disincentives to force
2202 accountability for results.
2203 (c) The Board of Governors of the State University System
2204 shall oversee the enforcement of all state university laws and
2205 rules and the timely provision of direction, resources,
2206 assistance, intervention when needed, and strong incentives and
2207 disincentives to force accountability for results. ~~The~~
2208 ~~Commissioner of Education shall serve as chief executive officer~~
2209 ~~of the K-20 education system. The commissioner shall be~~
2210 ~~responsible for enforcing compliance with the mission and goals~~
2211 ~~of the K-20 education system. The commissioner's office shall~~
2212 ~~operate all statewide functions necessary to support the State~~
2213 ~~Board of Education and the K-20 education system.~~

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2214 Section 65. Paragraphs (d) and (e) of subsection (3) and
2215 subsections (4), (5), and (6) of section 1000.05, Florida
2216 Statutes, are amended to read:

2217 1000.05 Discrimination against students and employees in
2218 the Florida K-20 public education system prohibited; equality of
2219 access required.--

2220 (3)

2221 (d) A public K-20 educational institution which operates or
2222 sponsors interscholastic, intercollegiate, club, or intramural
2223 athletics shall provide equal athletic opportunity for members of
2224 both genders.

2225 1. The Board of Governors of the State University System
2226 shall determine whether equal opportunities are available at
2227 state universities.

2228 2. The Commissioner of Education shall determine whether
2229 equal opportunities are available in school districts and
2230 community colleges. In determining whether equal opportunities
2231 are available in school districts and community colleges, the
2232 Commissioner of Education shall consider, among other factors:

2233 ~~a.1-~~ Whether the selection of sports and levels of
2234 competition effectively accommodate the interests and abilities
2235 of members of both genders.

2236 ~~b.2-~~ The provision of equipment and supplies.

2237 ~~c.3-~~ Scheduling of games and practice times.

2238 ~~d.4-~~ Travel and per diem allowances.

2239 ~~e.5-~~ Opportunities to receive coaching and academic
2240 tutoring.

2241 ~~f.6-~~ Assignment and compensation of coaches and tutors.

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2242 g.7. Provision of locker room, practice, and competitive
2243 facilities.

2244 h.8. Provision of medical and training facilities and
2245 services.

2246 i.9. Provision of housing and dining facilities and
2247 services.

2248 j.10. Publicity.

2249

2250 Unequal aggregate expenditures for members of each gender or
2251 unequal expenditures for male and female teams if a public school
2252 or community college ~~K-20 educational institution~~ operates or
2253 sponsors separate teams do not constitute nonimplementation of
2254 this subsection, but the Commissioner of Education shall consider
2255 the failure to provide necessary funds for teams for one gender
2256 in assessing equality of opportunity for members of each gender.

2257 (e) A public school or community college ~~K-20 educational~~
2258 ~~institution~~ may provide separate toilet, locker room, and shower
2259 facilities on the basis of gender, but such facilities shall be
2260 comparable to such facilities provided for students of the other
2261 gender.

2262 (4) Public schools and community colleges ~~Educational~~
2263 ~~institutions within the state public K-20 education system~~ shall
2264 develop and implement methods and strategies to increase the
2265 participation of students of a particular race, ethnicity,
2266 national origin, gender, disability, or marital status in
2267 programs and courses in which students of that particular race,
2268 ethnicity, national origin, gender, disability, or marital status
2269 have been traditionally underrepresented, including, but not
2270 limited to, mathematics, science, computer technology,

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2271 electronics, communications technology, engineering, and career
2272 education.

2273 (5) (a) The State Board of Education shall adopt rules to
2274 implement this section as it relates to school districts and
2275 community colleges.

2276 (b) The Board of Governors of the State University System
2277 shall adopt rules to implement this section as it relates to
2278 state universities.

2279 (6) The functions of the Office of Equal Educational
2280 Opportunity of the Department of Education shall include, but are
2281 not limited to:

2282 (a) Requiring all district school boards and ~~community~~
2283 ~~college boards of trustees, and state university boards of~~
2284 ~~trustees~~ to develop and submit plans for the implementation of
2285 this section to the Department of Education.

2286 (b) Conducting periodic reviews of school districts and
2287 community colleges ~~public K-20 educational agencies~~ to determine
2288 compliance with this section and, after a finding that a school
2289 district or a community college ~~an educational agency~~ is not in
2290 compliance with this section, notifying the entity ~~agency~~ of the
2291 steps that it must take to attain compliance and performing
2292 followup monitoring.

2293 (c) Providing technical assistance, including assisting
2294 school districts or community colleges ~~public K-20 educational~~
2295 ~~agencies~~ in identifying unlawful discrimination and instructing
2296 them in remedies for correction and prevention of such
2297 discrimination and performing followup monitoring.

2298 (d) Conducting studies of the effectiveness of methods and
2299 strategies designed to increase the participation of students in

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2300	programs and courses in which students of a particular race,	
2301	ethnicity, national origin, gender, disability, or marital status	
2302	have been traditionally underrepresented and monitoring the	
2303	success of students in such programs or courses, including	
2304	performing followup monitoring.	

2305	(e) Requiring all district school boards <u>and</u> community	
2306	college boards of trustees, and state university boards of	
2307	trustees to submit data and information necessary to determine	
2308	compliance with this section. The Commissioner of Education shall	
2309	prescribe the format and the date for submission of such data and	
2310	any other educational equity data. If any board does not submit	
2311	the required compliance data or other required educational equity	
2312	data by the prescribed date, the commissioner shall notify the	
2313	board of this fact and, if the board does not take appropriate	
2314	action to immediately submit the required report, the State Board	
2315	of Education shall impose monetary sanctions.	

2316	(f) Based upon rules of the State Board of Education,	
2317	developing and implementing enforcement mechanisms with	
2318	appropriate penalties to ensure that public K-12 schools <u>and</u>	
2319	community colleges, and state universities comply with Title IX	
2320	of the Education Amendments of 1972 and subsection (3) of this	
2321	section. However, the State Board of Education may not force <u>a</u>	
2322	<u>public school or community college</u> an educational agency to	
2323	conduct, nor penalize <u>such entity</u> an educational agency for not	
2324	conducting, a program of athletic activity or athletic	
2325	scholarship for female athletes unless it is an athletic activity	
2326	approved for women by a recognized association whose purpose is	
2327	to promote athletics and a conference or league exists to promote	

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2328 interscholastic or intercollegiate competition for women in that
2329 athletic activity.

2330 (g) Reporting to the Commissioner of Education any district
2331 school board or, community college board of trustees, ~~or state~~
2332 ~~university board of trustees~~ found to be out of compliance with
2333 rules of the State Board of Education adopted as required by
2334 paragraph (f) or paragraph (3)(d). To penalize the board, the
2335 State Board of Education shall:

2336 1. Declare the school district or community college
2337 ~~educational agency~~ ineligible for competitive state grants.

2338 2. Notwithstanding the provisions of s. 216.192, direct the
2339 Chief Financial Officer to withhold general revenue funds
2340 sufficient to obtain compliance from the school district or
2341 community college ~~educational agency~~.

2342
2343 The school district or community college ~~educational agency~~ shall
2344 remain ineligible and the funds shall not be paid until the
2345 institution ~~agency~~ comes into compliance or the State Board of
2346 Education approves a plan for compliance.

2347 Section 66. Section 1001.02, Florida Statutes, is amended
2348 to read:

2349 1001.02 General powers of State Board of Education.--

2350 (1) The State Board of Education is the chief implementing
2351 and coordinating body of public education in Florida, and it
2352 shall focus on high-level policy decisions. It has authority to
2353 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
2354 the provisions of law conferring duties upon it for the
2355 improvement of the state system of K-20 public education. Except
2356 as otherwise provided herein, it may, as it finds appropriate,

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2357 | delegate its general powers to the Commissioner of Education or
 2358 | the directors of the divisions of the department.

2359 | (2) The State Board of Education has the following duties:

2360 | (a) To adopt comprehensive educational objectives for
 2361 | public education.

2362 | (b) To adopt comprehensive long-range plans and short-range
 2363 | programs for the development of the state system of public
 2364 | education.

2365 | (c) To exercise general supervision over the divisions of
 2366 | the Department of Education as necessary to ensure coordination
 2367 | of educational plans and programs and resolve controversies and
 2368 | to minimize problems of articulation and student transfers, to
 2369 | ensure that students moving from one level of education to the
 2370 | next have acquired competencies necessary for satisfactory
 2371 | performance at that level, and to ensure maximum utilization of
 2372 | facilities.

2373 | (d) To adopt, in consultation with the Board of Governors
 2374 | of the State University System for state universities and
 2375 | ~~community colleges~~, and from time to time modify, minimum and
 2376 | uniform standards of college-level communication and computation
 2377 | skills generally associated with successful performance and
 2378 | progression through the baccalaureate level and to identify
 2379 | college-preparatory high school coursework and postsecondary-
 2380 | level coursework that prepares students with the academic skills
 2381 | necessary to succeed in postsecondary education.

2382 | (e) To adopt and submit to the Governor and Legislature, as
 2383 | provided in s. 216.023 ~~on or before September 1 of each year~~, a
 2384 | coordinated K-20 education budget that estimates the expenditure
 2385 | requirements for the Board of Governors of the State University

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2386 System, the State Board of Education, including the Department of
 2387 Education ~~and,~~ the Commissioner of Education, and all of the
 2388 boards, institutions, agencies, and services under the general
 2389 supervision of the Board of Governors or the State Board of
 2390 Education for the ensuing fiscal year. Any program recommended by
 2391 the Board of Governors or the State Board of Education which will
 2392 require increases in state funding for more than 1 year must be
 2393 presented in a multiyear budget plan.

2394 (f) To hold meetings, transact business, keep records,
 2395 adopt a seal, and, except as otherwise provided by law, perform
 2396 such other duties as may be necessary for the enforcement of ~~all~~
 2397 laws and rules relating to the state system of public education.

2398 (g) To approve plans for cooperating with the Federal
 2399 Government.

2400 (h) To approve plans for cooperating with other public
 2401 agencies in the development of rules and in the enforcement of
 2402 laws for which the state board and such agencies are jointly
 2403 responsible.

2404 (i) To review plans for cooperating with appropriate
 2405 nonpublic agencies for the improvement of conditions relating to
 2406 the welfare of schools.

2407 (j) To create such subordinate advisory bodies as are
 2408 required by law or as it finds necessary for the improvement of
 2409 education.

2410 (k) To constitute any education bodies or other structures
 2411 as required by federal law.

2412 (l) To assist in the economic development of the state by
 2413 developing a state-level planning process to identify future
 2414 training needs for industry, especially high-technology industry.

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2415	(m) To assist in the planning and economic development of	
2416	the state by establishing a clearinghouse for information on	
2417	educational programs of value to economic development.	
2418	(n) To adopt cohesive rules pursuant to ss. 120.536(1) and	
2419	120.54, within statutory authority, for education systemwide	
2420	issues.	
2421	(o) To authorize the allocation of resources in accordance	
2422	with law and rule.	
2423	(p) To contract with independent institutions accredited by	
2424	an agency whose standards are comparable to the minimum standards	
2425	required to operate a postsecondary educational institution at	
2426	that level in the state. The purpose of the contract is to	
2427	provide those educational programs and facilities which will meet	
2428	needs unfulfilled by the state system of public postsecondary	
2429	education.	
2430	(q) To recommend that a district school board take action	
2431	consistent with the state board's decision relating to an appeal	
2432	of a charter school application.	
2433	(r) To enforce systemwide education goals and policies,	
2434	<u>except as otherwise provided by law.</u>	
2435	(s) To establish a detailed procedure for the	
2436	implementation and operation of a systemwide K-20 technology plan	
2437	that is based on a common set of data definitions.	
2438	(t) To establish accountability standards for existing	
2439	legislative performance goals, standards, and measures, and order	
2440	the development of mechanisms to implement new legislative goals,	
2441	standards, and measures.	
2442	(u) To adopt criteria and implementation plans for future	
2443	growth issues, such as new <u>community</u> colleges and universities	

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2444 and campus mergers, and to provide for cooperative agreements
2445 between and within public and private education sectors.

2446 (v) To develop, in conjunction with the Board of Governors
2447 of the State University System, and periodically review for
2448 adjustment, a coordinated 5-year plan for postsecondary
2449 enrollment and annually submit the plan to the Legislature.

2450 ~~(w) To approve a new program at the professional level or~~
2451 ~~doctoral level, if:~~

2452 1. ~~The university has taken into account the need and~~
2453 ~~demand for the program, the university's mission, and similar~~
2454 ~~program offerings by public and nonpublic counterparts.~~

2455 2. ~~The addition of the program will not alter the~~
2456 ~~university's emphasis on undergraduate education.~~

2457 ~~(x) To review, and approve or disapprove, degree programs~~
2458 ~~identified as unique pursuant to s. 1007.25.~~

2459 ~~(y) To recommend to the Legislature a plan for implementing~~
2460 ~~block tuition programs and providing other incentives to~~
2461 ~~encourage students to graduate within 4 years.~~

2462 ~~(3) The State Board of Education shall adopt rules to~~
2463 ~~establish the criteria for assigning, reviewing, and removing~~
2464 ~~limited access status to an educational program. The State Board~~
2465 ~~of Education shall monitor the extent of limited access programs~~
2466 ~~within the state universities and report to the Legislature~~
2467 ~~admissions and enrollment data for limited access programs. Such~~
2468 ~~report shall be submitted annually by December 1 and shall assist~~
2469 ~~in determining the potential need for academic program contracts~~
2470 ~~with independent institutions pursuant to paragraph (2) (p). The~~
2471 ~~report must specify, for each limited access program within each~~
2472 ~~institution, the following categories, by race and gender:~~

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2473 ~~(a) The number of applicants.~~

2474 ~~(b) The number of applicants granted admission.~~

2475 ~~(c) The number of applicants who are granted admission and~~

2476 ~~enroll.~~

2477 ~~(d) The number of applicants denied admission.~~

2478 ~~(e) The number of applicants neither granted admission nor~~

2479 ~~denied admission.~~

2480

2481 ~~Each category must be reported for each term. Each category must~~

2482 ~~be reported by type of student, including the following~~

2483 ~~subcategories: native students, community college associate in~~

2484 ~~arts degree transfer students, and other students. Each category~~

2485 ~~and subcategory must further be reported according to the number~~

2486 ~~of students who meet or exceed the minimum eligibility~~

2487 ~~requirements for admission to the program and the number of~~

2488 ~~students who do not meet or exceed the minimum eligibility~~

2489 ~~requirements for admission to the program.~~

2490 ~~(4) The State Board of Education shall review, and approve~~

2491 ~~or disapprove, baccalaureate degree programs that exceed 120~~

2492 ~~semester hours, after considering accreditation requirements,~~

2493 ~~employment and earnings of graduates, comparative program lengths~~

2494 ~~nationally, and comparisons with similar programs offered by~~

2495 ~~independent institutions. By December 31 of each year, the State~~

2496 ~~Board of Education must report to the Legislature any degrees in~~

2497 ~~the state universities that require more than 120 hours, along~~

2498 ~~with appropriate evidence of need. At least every 5 years, the~~

2499 ~~State Board of Education must determine whether the programs~~

2500 ~~still require more than the standard length of 120 hours.~~

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2501 (3)~~(5)~~(a) The State Board of Education shall adopt a
2502 ~~systemwide~~ strategic plan that specifies goals and objectives for
2503 the state's public schools ~~state universities~~ and community
2504 colleges. ~~In developing this plan, the State Board of Education~~
2505 ~~shall consider the role of individual public and independent~~
2506 ~~institutions within the state.~~ The plan shall be formulated in
2507 conjunction with plans of the Board of Governors of the State
2508 University System in order to provide for the roles of the
2509 universities and community colleges to be coordinated to best
2510 meet state needs and reflect cost-effective use of state
2511 resources. The strategic plan must clarify mission statements and
2512 identify degree programs to be offered at each ~~university and~~
2513 community college in accordance with the objectives provided in
2514 this subsection. The ~~systemwide~~ strategic plan must cover a
2515 period of 5 years, with modification of the program lists after 2
2516 years. Development of each 5-year plan must be coordinated with
2517 and initiated after completion of the master plan. The ~~systemwide~~
2518 ~~and university and community college~~ strategic plans must
2519 specifically include programs and procedures for responding to
2520 the educational needs of teachers and students in the public
2521 schools of this state. The state board shall submit a report to
2522 the President of the Senate and the Speaker of the House of
2523 Representatives upon modification of the ~~system~~ plan.

2524 (b) The State Board of Education shall develop long-range
2525 plans and annual reports for financial aid in this state. The
2526 long-range plans shall establish goals and objectives for a
2527 comprehensive program of financial aid for Florida students and
2528 shall be updated every 5 years. The annual report shall include
2529 programs administered by the department as well as awards made

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2530 from financial aid fee revenues, any other funds appropriated by
 2531 the Legislature for financial assistance, and the value of
 2532 tuition and fees waived for students enrolled in a dual
 2533 enrollment course at a public postsecondary educational
 2534 institution. The annual report shall include an assessment of
 2535 progress made in achieving goals and objectives established in
 2536 the long-range plans and recommendations for repealing or
 2537 modifying existing financial aid programs or establishing new
 2538 programs. A long-range plan shall be submitted by January 1,
 2539 2004, and every 5 years thereafter. An annual report shall be
 2540 submitted on January 1, 2004, and in each successive year that a
 2541 long-range plan is not submitted, to the President of the Senate
 2542 and the Speaker of the House of Representatives and the Board of
 2543 Governors of the State University System.

2544 ~~(6) The State Board of Education shall coordinate the~~
 2545 ~~programs with the Council for Education Policy Research and~~
 2546 ~~Improvement, including doctoral programs. The programs shall be~~
 2547 ~~reviewed every 5 years or whenever the state board determines~~
 2548 ~~that the effectiveness or efficiency of a program is jeopardized.~~
 2549 ~~The State Board of Education shall define the indicators of~~
 2550 ~~quality and the criteria for program review for every program.~~
 2551 ~~Such indicators include need, student demand, industry driven~~
 2552 ~~competencies for advanced technology and related programs, and~~
 2553 ~~resources available to support continuation. The results of the~~
 2554 ~~program reviews must be tied to the university and community~~
 2555 ~~college budget requests.~~

2556 (4)-(7) The State Board of Education shall:

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2557 (a) Provide for each community college to offer educational
2558 training and service programs designed to meet the needs of both
2559 students and the communities served.

2560 (b) Specify, by rule, procedures to be used by the
2561 community college boards of trustees in the annual evaluations of
2562 presidents and review the evaluations of presidents by the boards
2563 of trustees.

2564 (c) Establish, in conjunction with the Board of Governors
2565 of the State University System, an effective information system
2566 that will provide composite data concerning the community
2567 colleges and state universities and ensure that special analyses
2568 and studies concerning the institutions are conducted, as
2569 necessary, for provision of accurate and cost-effective
2570 information concerning the institutions.

2571 (d) Establish criteria for making recommendations for
2572 modifying district boundary lines for community colleges.

2573 (e) Establish criteria for making recommendations
2574 concerning all proposals for the establishment of additional
2575 centers or campuses for community colleges ~~and state~~
2576 ~~universities~~.

2577 (f) Examine the annual administrative review of each
2578 community college ~~and state university~~.

2579 (g) Specify, by rule, the college-credit ~~degree program~~
2580 courses that may be taken by community college students
2581 concurrently enrolled in college-preparatory instruction.

2582 (h) Adopt and submit to the Legislature a 3-year list of
2583 priorities for fixed-capital-outlay projects.

2584 ~~(5)-(8)~~ (5) The State Board of Education is responsible for
2585 reviewing and administering the state program of support for the

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2586 community colleges and, subject to existing law, shall establish
2587 the tuition and out-of-state fees for college-preparatory
2588 instruction and for credit instruction that may be counted toward
2589 an associate in arts degree, an associate in applied science
2590 degree, or an associate in science degree.

2591 (6)~~(9)~~ The State Board of Education shall prescribe minimum
2592 standards, definitions, and guidelines for community colleges and
2593 ~~state universities~~ that will ensure the quality of education,
2594 coordination among the community colleges and state universities,
2595 and efficient progress toward accomplishing the community college
2596 ~~and state university~~ mission. At a minimum, these rules must
2597 address:

2598 (a) Personnel.

2599 (b) Contracting.

2600 (c) Program offerings and classification, including
2601 college-level communication and computation skills associated
2602 with successful performance in college and with tests and other
2603 assessment procedures that measure student achievement of those
2604 skills. The performance measures must provide that students
2605 moving from one level of education to the next acquire the
2606 necessary competencies for that level.

2607 (d) Provisions for curriculum development, graduation
2608 requirements, college calendars, and program service areas. These
2609 provisions must include rules that:

2610 1. Provide for the award of an associate in arts degree to
2611 a student who successfully completes 60 semester credit hours at
2612 the community college.

2613 2. Require all of the credits accepted for the associate in
2614 arts degree to be in the statewide course numbering system as

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2615 credits toward a baccalaureate degree offered by a state
 2616 university.

2617 3. Require no more than 36 semester credit hours in general
 2618 education courses in the subject areas of communication,
 2619 mathematics, social sciences, humanities, and natural sciences.
 2620

2621 The rules should encourage community colleges to enter into
 2622 agreements with state universities that allow community college
 2623 students to complete upper-division-level courses at a community
 2624 college. An agreement may provide for concurrent enrollment at
 2625 the community college and the state university and may authorize
 2626 the community college to offer an upper-division-level course or
 2627 distance learning.

2628 (e) Student admissions, conduct and discipline,
 2629 nonclassroom activities, and fees.

2630 (f) Budgeting.

2631 (g) Business and financial matters.

2632 (h) Student services.

2633 (i) Reports, surveys, and information systems, including
 2634 forms and dates of submission.

2635 Section 67. Subsections (8), (9), (10), and (13) of section
 2636 1001.03, Florida Statutes, are amended to read:

2637 1001.03 Specific powers of State Board of Education.--

2638 (8) SYSTEMWIDE ENFORCEMENT.--Except as otherwise provided
 2639 by law, the State Board of Education shall enforce compliance
 2640 with law and state board rule by all school districts and public
 2641 postsecondary educational institutions, in accordance with the
 2642 provisions of s. 1008.32.

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2643 (9) MANAGEMENT INFORMATION DATABASES.--To facilitate
 2644 oversight by the Legislature of the expenditure of public funds,
 2645 the State Board of Education, in conjunction with the Board of
 2646 Governors of the State University System, shall continue to
 2647 collect and maintain, at a minimum, the management information
 2648 databases for state universities, and all other components of the
 2649 public K-20 education system as such databases existed on June
 2650 30, 2002.

2651 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY
 2652 EDUCATION.--The State Board of Education, in consultation with
 2653 the Board of Governors of the State University System, shall
 2654 develop and implement a common placement test to assess the basic
 2655 computation and communication skills of students who intend to
 2656 enter a degree program at any community college or state
 2657 university.

2658 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The
 2659 State Board of Education shall provide for the cyclic review of
 2660 all academic programs in community colleges ~~and state~~
 2661 ~~universities~~ at least every 7 years. Program reviews shall
 2662 document how individual academic programs are achieving stated
 2663 student learning and program objectives within the context of the
 2664 institution's mission. The results of the program reviews shall
 2665 inform strategic planning, program development, and budgeting
 2666 decisions at the institutional level.

2667 Section 68. Section 1001.10, Florida Statutes, is amended
 2668 to read:

2669 1001.10 Commissioner of Education; general powers and
 2670 duties.--

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2671 (1) The Commissioner of Education is the chief educational
2672 officer of the state, and is responsible for giving full
2673 assistance to the State Board of Education in enforcing
2674 compliance with the mission and goals of the seamless K-20
2675 education system.

2676 (2) The commissioner's office shall operate all statewide
2677 functions necessary to support the State Board of Education,
2678 including strategic planning and budget development, general
2679 administration, assessment, and accountability.

2680 (3) To facilitate innovative practices and to allow local
2681 selection of educational methods, the State Board of Education
2682 may authorize the commissioner to waive, upon the request of a
2683 district school board, State Board of Education rules that relate
2684 to district school instruction and school operations, except
2685 those rules pertaining to civil rights, and student health,
2686 safety, and welfare. The Commissioner of Education is not
2687 authorized to grant waivers for any provisions in rule pertaining
2688 to the allocation and appropriation of state and local funds for
2689 public education; the election, compensation, and organization of
2690 school board members and superintendents; graduation and state
2691 accountability standards; financial reporting requirements;
2692 reporting of out-of-field teaching assignments under s. 1012.42;
2693 public meetings; public records; or due process hearings governed
2694 by chapter 120. No later than January 1 of each year, the
2695 commissioner shall report to the Legislature and the State Board
2696 of Education all approved waiver requests in the preceding year.

2697 (4) Additionally, the commissioner has the following
2698 general powers and duties:

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2699 (a)~~(1)~~ To appoint staff necessary to carry out his or her
2700 powers and duties.

2701 (b)~~(2)~~ To advise and counsel with the State Board of
2702 Education on all matters pertaining to education; to recommend to
2703 the State Board of Education actions and policies as, in the
2704 commissioner's opinion, should be acted upon or adopted; and to
2705 execute or provide for the execution of all acts and policies as
2706 are approved.

2707 (c)~~(3)~~ To keep such records as are necessary to set forth
2708 clearly all acts and proceedings of the State Board of Education.

2709 (d)~~(4)~~ To have a seal for his or her office with which, in
2710 connection with his or her own signature, the commissioner shall
2711 authenticate true copies of decisions, acts, or documents.

2712 (e)~~(5)~~ To recommend to the State Board of Education
2713 policies and steps designed to protect and preserve the principal
2714 of the State School Fund; to provide an assured and stable income
2715 from the fund; to execute such policies and actions as are
2716 approved; and to administer the State School Fund.

2717 (f)~~(6)~~ To take action on the release of mineral rights
2718 based upon the recommendations of the Board of Trustees of the
2719 Internal Improvement Trust Fund.

2720 (g)~~(7)~~ To submit to the State Board of Education, on or
2721 before October 1 ~~August 1~~ of each year, recommendations for a
2722 coordinated K-20 education budget that estimates the expenditures
2723 for the Board of Governors of the State University System, the
2724 State Board of Education, including the Department of Education
2725 and, the Commissioner of Education, and all of the boards,
2726 institutions, agencies, and services under the general
2727 supervision of the Board of Governors or the State Board of

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2728 Education for the ensuing fiscal year. Any program recommended to
2729 the State Board of Education that will require increases in state
2730 funding for more than 1 year must be presented in a multiyear
2731 budget plan.

2732 ~~(h)~~~~(8)~~ To develop and implement a plan for cooperating with
2733 the Federal Government in carrying out any or all phases of the
2734 educational program and to recommend policies for administering
2735 funds that are appropriated by Congress and apportioned to the
2736 state for any or all educational purposes.

2737 ~~(i)~~~~(9)~~ To develop and implement policies for cooperating
2738 with other public agencies in carrying out those phases of the
2739 program in which such cooperation is required by law or is deemed
2740 by the commissioner to be desirable and to cooperate with public
2741 and nonpublic agencies in planning and bringing about
2742 improvements in the educational program.

2743 ~~(j)~~~~(10)~~ To prepare forms and procedures as are necessary to
2744 be used by district school boards and all other educational
2745 agencies to assure uniformity, accuracy, and efficiency in the
2746 keeping of records, the execution of contracts, the preparation
2747 of budgets, or the submission of reports; and to furnish at state
2748 expense, when deemed advisable by the commissioner, those forms
2749 that can more economically and efficiently be provided.

2750 ~~(k)~~~~(11)~~ To implement a program of school improvement and
2751 education accountability designed to provide all students the
2752 opportunity to make adequate learning gains in each year of
2753 school as provided by statute and State Board of Education rule
2754 based upon the achievement of the state education goals,
2755 recognizing the following:

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2756 ~~(a) The State Board of Education is the body corporate~~
 2757 ~~responsible for the supervision of the system of public~~
 2758 ~~education.~~

2759 1.~~(b)~~ The district school board is responsible for school
 2760 and student performance.

2761 2.~~(c)~~ The individual school is the unit for education
 2762 accountability.

2763 3.~~(d)~~ The community college board of trustees is
 2764 responsible for community college performance and student
 2765 performance.

2766 ~~(e) The university board of trustees is responsible for~~
 2767 ~~university performance and student performance.~~

2768 (1)(12) To maintain ~~establish~~ a Citizen Information Center
 2769 responsible for the preparation, publication, and dissemination
 2770 ~~distribution~~ of user-friendly materials relating to the state's
 2771 ~~state system of seamless K-20 public education system, including~~
 2772 the state's K-12 scholarship programs and the Voluntary
 2773 Prekindergarten Education Program.

2774 (m)(13) To prepare and publish annually reports giving
 2775 statistics and other useful information pertaining to the
 2776 states's K-12 scholarship programs and the Voluntary
 2777 Prekindergarten Education Program ~~Opportunity Scholarship~~
 2778 ~~Program.~~

2779 (n)(14) To have printed or electronic copies of school
 2780 laws, forms, instruments, instructions, and rules of the State
 2781 Board of Education and provide for their distribution.

2782 (o)(15) To develop criteria for use by state instructional
 2783 materials committees in evaluating materials submitted for
 2784 adoption consideration. The criteria shall, as appropriate, be

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2785 based on instructional expectations reflected in curriculum
2786 frameworks and student performance standards. The criteria for
2787 each subject or course shall be made available to publishers of
2788 instructional materials pursuant to the requirements of chapter
2789 1006.

2790 (p)~~(16)~~ To prescribe procedures for evaluating
2791 instructional materials submitted by publishers and manufacturers
2792 in each adoption.

2793
2794 ~~The commissioner's office shall operate all statewide functions~~
2795 ~~necessary to support the State Board of Education and the K-20~~
2796 ~~education system, including strategic planning and budget~~
2797 ~~development, general administration, and assessment and~~
2798 ~~accountability.~~

2799 Section 69. Subsection (2) of section 1001.11, Florida
2800 Statutes, is amended to read:

2801 1001.11 Commissioner of Education; other duties.--

2802 ~~(2)(a)~~ The Commissioner of Education shall annually report
2803 the state's educational performance on state and national
2804 measures and shall recommend to the State Board of Education
2805 performance goals addressing the educational needs of the state
2806 ~~for the K-20 education system. The Council for Education Policy~~
2807 ~~Research and Improvement, as an independent entity, shall develop~~
2808 ~~a report card assigning grades to indicate Florida's progress~~
2809 ~~toward meeting those goals. The annual report card shall contain~~
2810 ~~information showing Florida's performance relative to other~~
2811 ~~states on selected measures, as well as Florida's ability to meet~~
2812 ~~the need for postsecondary degrees and programs and how well the~~
2813 ~~Legislature has provided resources to meet this need. The~~

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2814 ~~information shall include the results of the National Assessment~~
 2815 ~~of Educational Progress or a similar national assessment program~~
 2816 ~~administered to students in Florida. By January 1 of each year,~~
 2817 ~~the Council for Education Policy Research and Improvement shall~~
 2818 ~~submit the report card to the Legislature, the Governor, and the~~
 2819 ~~public.~~

2820 ~~(b) Prior to the regular legislative session, the~~
 2821 ~~Commissioner of Education shall present to the Legislature a plan~~
 2822 ~~for correcting any deficiencies identified in the report card.~~

2823 Section 70. Paragraph (e) of subsection (4) of section
 2824 1001.20, Florida Statutes, is amended to read:

2825 1001.20 Department under direction of state board.--

2826 (4) The Department of Education shall establish the
 2827 following offices within the Office of the Commissioner of
 2828 Education which shall coordinate their activities with all other
 2829 divisions and offices:

2830 (e) Office of Inspector General.--Organized using existing
 2831 resources and funds and responsible for promoting accountability,
 2832 efficiency, and effectiveness and detecting fraud and abuse
 2833 within school districts, the Florida School for the Deaf and the
 2834 Blind , community colleges, and state universities in Florida. If
 2835 the Commissioner of Education determines that a district school
 2836 board, the Board of Trustees for the Florida School for the Deaf
 2837 and the Blind, or a community college ~~public postsecondary~~
 2838 ~~educational institution~~ board of trustees is unwilling or unable
 2839 to address substantiated allegations made by any person relating
 2840 to waste, fraud, or financial mismanagement within a school
 2841 district, the Florida School for the Deaf and the Blind, or a
 2842 community college, the office shall conduct, coordinate, or

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2843 request investigations into such ~~substantiated~~ allegations made
 2844 ~~by any person relating to waste, fraud, or financial~~
 2845 ~~mismanagement within school districts, the Florida School for the~~
 2846 ~~Deaf and the Blind , community colleges, and state universities~~
 2847 ~~in Florida.~~ If the Chancellor of the State University System
 2848 determines that a state university board of trustees is unwilling
 2849 or unable to address substantiated allegations relating to waste,
 2850 fraud, or financial mismanagement within state universities in
 2851 Florida, the office shall conduct, coordinate, or request
 2852 investigations into such allegations. The office shall have
 2853 access to all information and personnel necessary to perform its
 2854 duties and shall have all of its current powers, duties, and
 2855 responsibilities authorized in s. 20.055.

2856 Section 71. Paragraph (b) of subsection (2) of section
 2857 1001.25, Florida Statutes, is amended to read:

2858 1001.25 Educational television.--

2859 (2) POWERS OF DEPARTMENT.--

2860 (b) The department shall provide through educational
 2861 television and other electronic media a means of extending
 2862 educational services to all the state system of public education,
 2863 except the state universities, which provision by the department
 2864 is limited by paragraph (c) and by s. 1001.26(1) ~~1006.26(1)~~. The
 2865 department shall recommend to the State Board of Education rules
 2866 necessary to provide such services.

2867 Section 72. Section 1001.28, Florida Statutes, is amended
 2868 to read:

2869 1001.28 Distance learning duties.--The duties of the
 2870 Department of Education concerning distance learning include, but
 2871 are not limited to, the duty to:

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2872 (1) Facilitate the implementation of a statewide
2873 coordinated system and resource system for cost-efficient
2874 advanced telecommunications services and distance education which
2875 will increase overall student access to education.

2876 (2) Coordinate the use of existing resources, including,
2877 but not limited to, the state's satellite transponders on the
2878 education satellites, the SUNCOM Network, the Florida Information
2879 Resource Network (FIRN), the Department of Management Services,
2880 the Department of Corrections, and the Department of Children and
2881 Family Services' satellite communication facilities to support a
2882 statewide advanced telecommunications services and distance
2883 learning network.

2884 (3) Assist in the coordination of the utilization of the
2885 production and uplink capabilities available through Florida's
2886 public television stations, eligible facilities, independent
2887 colleges and universities, private firms, and others as needed.

2888 (4) Seek the assistance and cooperation of Florida's cable
2889 television providers in the implementation of the statewide
2890 advanced telecommunications services and distance learning
2891 network.

2892 (5) Seek the assistance and cooperation of Florida's
2893 telecommunications carriers to provide affordable student access
2894 to advanced telecommunications services and to distance learning.

2895 (6) Coordinate partnerships for development, acquisition,
2896 use, and distribution of distance learning.

2897 (7) Secure and administer funding for programs and
2898 activities for distance learning from federal, state, local, and
2899 private sources and from fees derived from services and
2900 materials.

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2901 (8) Manage the state's satellite transponder resources and
2902 enter into lease agreements to maximize the use of available
2903 transponder time. All net revenue realized through the leasing of
2904 available transponder time, after deducting the costs of
2905 performing the management function, shall be recycled to support
2906 the public education distance learning in this state based upon
2907 an allocation formula of one-third to the Department of
2908 Education, one-third to community colleges, and one-third to
2909 state universities.

2910 (9) Hire appropriate staff which may include a position
2911 that shall be exempt from part II of chapter 110 and is included
2912 in the Senior Management Service in accordance with s. 110.205.

2913
2914 Nothing in this section shall be construed to abrogate,
2915 supersede, alter, or amend the powers and duties of any state
2916 agency, district school board, community college board of
2917 trustees, university board of trustees, the Board of Governors of
2918 the State University System, or the State Board of Education.

2919 Section 73. Subsection (17) of section 1001.64, Florida
2920 Statutes, is amended to read:

2921 1001.64 Community college boards of trustees; powers and
2922 duties.--

2923 (17) Each board of trustees is accountable for performance
2924 in certificate career education and diploma programs pursuant to
2925 s. 1008.43 ~~1008.44~~.

2926 Section 74. Section 1001.70, Florida Statutes, is amended
2927 to read:

2928 1001.70 Board of Governors of the State University
2929 System.--

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2930 (1) Pursuant to s. 7(d), Art. IX of the State Constitution,
 2931 the Board of Governors of the State University System is
 2932 established as a body corporate comprised of 17 members as
 2933 follows: 14 citizen members appointed by the Governor subject to
 2934 confirmation by the Senate; the Commissioner of Education; the
 2935 chair of the advisory council of faculty senates or the
 2936 equivalent; and the president of the Florida student association
 2937 or the equivalent. The appointed members shall serve staggered 7-
 2938 year terms. In order to achieve staggered terms, beginning July
 2939 1, 2003, of the initial appointments, 4 members shall serve 2-
 2940 year terms, 5 members shall serve 3-year terms, and 5 members
 2941 shall serve 7-year terms.

2942 (2) Members of the Board of Governors shall receive no
 2943 compensation but may be reimbursed for travel and per diem
 2944 expenses as provided in s. 112.061.

2945 (3) The Board of Governors in exercising its authority
 2946 under the State Constitution and statutes shall exercise its
 2947 authority in a manner that supports, promotes, and enhances a K-
 2948 20 education system that provides affordable access to
 2949 postsecondary educational opportunities for residents of the
 2950 state to the extent authorized by state law.

2951 Section 75. Section 1001.706, Florida Statutes, is created
 2952 to read:

2953 1001.706 Powers and duties of the Board of Governors of the
 2954 State University System subject to the powers of the
 2955 Legislature.--

2956 (1) GENERAL PROVISIONS.--

2957 (a) For each constituent university, the Board of Governors
 2958 of the State University System, or the board's designee, shall be

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2959 responsible for cost-effective policy decisions appropriate to
 2960 the university's mission, the implementation and maintenance of
 2961 high quality education programs within law, the measurement of
 2962 performance, the reporting of information, and the provision of
 2963 input regarding state policy, budgeting, and education standards.

2964 (b) The Board of Governors shall adopt rules pursuant to
 2965 ss. 120.536 (1) and 120.54 when acting pursuant to statutory
 2966 authority derived from the Legislature.

2967 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
 2968 OPERATION OF STATE UNIVERSITIES.--

2969 (a) The Board of Governors, or the board's designee, shall
 2970 develop guidelines and procedures related to data and technology,
 2971 including information systems, communications systems, computer
 2972 hardware and software, and networks.

2973 (b) The Board of Governors shall develop guidelines
 2974 relating to divisions of sponsored research, pursuant to the
 2975 provisions of s. 1004.22, to serve the function of administration
 2976 and promotion of the programs of research.

2977 (c) The Board of Governors shall prescribe conditions for
 2978 direct-support organizations and university health services
 2979 support organizations to be certified and to use university
 2980 property and services. Conditions relating to certification must
 2981 provide for audit review and oversight by the Board of Governors.

2982 (d) The Board of Governors shall develop guidelines for
 2983 supervising faculty practice plans for the academic health
 2984 science centers.

2985 (e) For each constituent university, the Board of
 2986 Governors, or the board's designee, shall identify the
 2987 university's core curricula and work with school districts to

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2988	<u>ensure that a school district's curricula coordinate with the</u>	
2989	<u>core curricula of the university and prepare students for</u>	
2990	<u>college-level work.</u>	
2991	<u>(f) The Board of Governors shall ensure that students at</u>	
2992	<u>state universities have access to general education courses.</u>	
2993	<u>(g) The Board of Governors shall approve baccalaureate</u>	
2994	<u>degree programs that require more than 120 semester credit hours</u>	
2995	<u>of coursework prior to such programs being offered by a state</u>	
2996	<u>university. At least half of the required coursework for any</u>	
2997	<u>baccalaureate degree must be offered at the lower-division level,</u>	
2998	<u>except in program areas approved by the Board of Governors.</u>	
2999	<u>(h) The Board of Governors, or the board's designee, shall</u>	
3000	<u>adopt a written antihazing policy, appropriate penalties for</u>	
3001	<u>violations of such policy, and a program for enforcing such</u>	
3002	<u>policy.</u>	
3003	<u>(i) The Board of Governors, or the board's designee, may</u>	
3004	<u>establish a uniform code of conduct and appropriate penalties for</u>	
3005	<u>violations of its rules by students and student organizations,</u>	
3006	<u>including rules governing student academic honesty. Such</u>	
3007	<u>penalties, unless otherwise provided by law, may include</u>	
3008	<u>reasonable fines, the withholding of diplomas or transcripts</u>	
3009	<u>pending compliance with rules or payment of fines, and the</u>	
3010	<u>imposition of probation, suspension, or dismissal.</u>	
3011	<u>(3) POWERS AND DUTIES RELATING TO FINANCE.--</u>	
3012	<u>(a) The Board of Governors, or the board's designee, shall</u>	
3013	<u>account for expenditures of all state, local, federal, and other</u>	
3014	<u>funds. Such accounting systems shall have appropriate audit and</u>	
3015	<u>internal controls in place that will enable the constituent</u>	
3016	<u>universities to satisfactorily and timely perform all accounting</u>	

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3017 and reporting functions required by state and federal law and
3018 rules.

3019 (b) The Board of Governors shall prepare the legislative
3020 budget requests for the State University System, including a
3021 request for fixed capital outlay, and submit them to the State
3022 Board of Education for inclusion in the K-20 legislative budget
3023 request. The Board of Governors shall provide the state
3024 universities with fiscal policy guidelines, formats, and
3025 instruction for the development of individual university budget
3026 requests.

3027 (c) The Board of Governors, or the board's designee, shall
3028 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

3029 (d) The Board of Governors, or the board's designee, is
3030 authorized to secure comprehensive general liability insurance
3031 pursuant to s. 1004.24.

3032 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

3033 (a) The Board of Governors shall develop a strategic plan
3034 specifying goals and objectives for the State University System
3035 and each constituent university.

3036 (b) The Board of Governors shall develop an accountability
3037 plan for the State University System and each constituent
3038 university.

3039 (c) The Board of Governors shall maintain an effective
3040 information system to provide accurate, timely, and cost-
3041 effective information about each university. The board shall
3042 continue to collect and maintain, at a minimum, the management
3043 information databases as such databases existed on June 30, 2002.

3044 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

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3045 (a) The Board of Governors, or the board's designee, shall
 3046 establish the personnel program for all employees of a state
 3047 university, including the president.

3048 (b) The Department of Management Services shall retain
 3049 authority over state university employees for programs
 3050 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3051 110.1238 and in chapters 121, 122, and 238. Unless specifically
 3052 authorized by law, neither the Board of Governors nor a state
 3053 university may offer group insurance programs for employees as a
 3054 substitute for or as an alternative to the health insurance
 3055 programs offered pursuant to chapter 110.

3056 (c) Except as otherwise provided by law, university
 3057 employees are public employees for purposes of chapter 112 and
 3058 any payment for travel and per diem expenses shall not exceed the
 3059 level specified in s. 112.061.

3060 (d) To the extent the Board of Governors delegates
 3061 authority for personnel programs to individual university boards
 3062 of trustees, the Board of Governors shall develop guidelines
 3063 relating to compensation and other conditions of employment,
 3064 recruitment and selection, nonreappointment, standards for
 3065 performance and conduct, evaluation, benefits and hours of work,
 3066 leave policies, inventions and works, travel, learning
 3067 opportunities, exchange programs, academic freedom and
 3068 responsibility, promotion, assignment, demotion, transfer, tenure
 3069 and permanent status, ethical obligations and conflicts of
 3070 interests, restrictive covenants, disciplinary actions,
 3071 complaints, appeals and grievance procedures, and separation and
 3072 termination from employment. Such guidelines shall not conflict

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3073 with current provisions of law or the General Appropriations Act
 3074 relating to state employees or public employees.
 3075 (6) POWERS AND DUTIES RELATING TO PROPERTY.--
 3076 (a) The Board of Governors shall develop guidelines for
 3077 university boards of trustees relating to the acquisition of real
 3078 and personal property and the sale and disposal thereof and the
 3079 approval and execution of contracts for the purchase, sale,
 3080 lease, license, or acquisition of commodities, goods, equipment,
 3081 contractual services, leases of real and personal property, and
 3082 construction. The acquisition may include purchase by installment
 3083 or lease-purchase. Such contracts may provide for payment of
 3084 interest on the unpaid portion of the purchase price. Title to
 3085 all real property acquired prior to January 7, 2003, and to all
 3086 real property acquired with funds appropriated by the Legislature
 3087 shall be vested in the Board of Trustees of the Internal
 3088 Improvement Trust Fund and shall be transferred and conveyed by
 3089 it. Notwithstanding any other provisions of this subsection, each
 3090 board of trustees shall comply with the provisions of s. 287.055
 3091 for the procurement of professional services as defined therein.
 3092 Any acquisition pursuant to this paragraph is subject to the
 3093 provisions of s. 1010.62.
 3094 (b) The Board of Governors shall develop guidelines for
 3095 university boards of trustees relating to the use, maintenance,
 3096 protection, and control of university-owned or university-
 3097 controlled buildings and grounds, property and equipment, name,
 3098 trademarks and other proprietary marks, and the financial and
 3099 other resources of the university. Such authority may include
 3100 placing restrictions on activities and on access to facilities,
 3101 firearms, food, tobacco, alcoholic beverages, distribution of

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3102 printed materials, commercial solicitation, animals, and sound.
 3103 The authority provided the board of trustees in this subsection
 3104 includes the prioritization of the use of space, property,
 3105 equipment, and resources and the imposition of charges for those
 3106 items.

3107 (c) The Board of Governors, or the board's designee, shall
 3108 administer a program for the maintenance and construction of
 3109 facilities pursuant to chapter 1013.

3110 (d) The Board of Governors, or the board's designee, shall
 3111 ensure compliance with the provisions of s. 287.09451 for all
 3112 procurement and ss. 255.101 and 255.102 for construction
 3113 contracts, and rules adopted pursuant thereto, relating to the
 3114 utilization of minority business enterprises, except that
 3115 procurements costing less than the amount provided for in
 3116 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
 3117 s. 287.09451.

3118 (e) Notwithstanding the provisions of s. 253.025, but
 3119 subject to the provisions of s. 1010.62, the Board of Governors,
 3120 or the board's designee, may, with the consent of the Board of
 3121 Trustees of the Internal Improvement Trust Fund, sell, convey,
 3122 transfer, exchange, trade, or purchase real property and related
 3123 improvements necessary and desirable to serve the needs and
 3124 purposes of the university.

3125 1. The Board of Governors, or the board's designee, may
 3126 secure appraisals and surveys. The Board of Governors, or the
 3127 board's designee, shall comply with the rules of the Board of
 3128 Trustees of the Internal Improvement Trust Fund in securing
 3129 appraisals. Whenever the Board of Governors, or the board's
 3130 designee, finds it necessary for timely property acquisition, it

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3131 may contract, without the need for competitive selection, with
 3132 one or more appraisers whose names are contained on the list of
 3133 approved appraisers maintained by the Division of State Lands in
 3134 the Department of Environmental Protection.

3135 2. The Board of Governors, or the board's designee, may
 3136 negotiate and enter into an option contract before an appraisal
 3137 is obtained. The option contract must state that the final
 3138 purchase price may not exceed the maximum value allowed by law.
 3139 The consideration for such an option contract may not exceed 10
 3140 percent of the estimate obtained by the Board of Governors, or
 3141 the board's designee, or 10 percent of the value of the parcel,
 3142 whichever is greater, unless otherwise authorized by the Board of
 3143 Governors, or the board's designee.

3144 3. This subsection is not intended to abrogate in any
 3145 manner the authority delegated to the Board of Trustees of the
 3146 Internal Improvement Trust Fund or the Division of State Lands to
 3147 approve a contract for purchase of state lands or to require
 3148 policies and procedures to obtain clear legal title to parcels
 3149 purchased for state purposes. Title to property acquired by a
 3150 university board of trustees prior to January 7, 2003, and to
 3151 property acquired with funds appropriated by the Legislature
 3152 shall vest in the Board of Trustees of the Internal Improvement
 3153 Trust Fund.

3154 (f) The Board of Governors, or the board's designee, shall
 3155 prepare and adopt a campus master plan pursuant to s. 1013.30.

3156 (g) The Board of Governors, or the board's designee, shall
 3157 prepare, adopt, and execute a campus development agreement
 3158 pursuant to s. 1013.30.

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3159 (h) Notwithstanding the provisions of s. 216.351, the Board
 3160 of Governors, or the board's designee, may authorize the rent or
 3161 lease of parking facilities, provided that such facilities are
 3162 funded through parking fees or parking fines imposed by a
 3163 university. The Board of Governors, or the board's designee, may
 3164 authorize a university board of trustees to charge fees for
 3165 parking at such rented or leased parking facilities.

3166 (i) Notwithstanding the provisions of s. 267.062, the Board
 3167 of Governors may approve a request from a university board of
 3168 trustees to name a state building, road, bridge, park,
 3169 recreational complex, or similar facility on the campus of a
 3170 state university for a living person. The Board of Governors
 3171 shall develop minimum criteria to be used in evaluating such
 3172 requests including, but not limited to, significant contributions
 3173 by the person or persons being honored to the institution, the
 3174 community, and the state.

3175 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
 3176 REQUIREMENTS.--The Board of Governors has responsibility for
 3177 compliance with state and federal laws, rules, regulations, and
 3178 requirements.

3179 (8) COOPERATION WITH OTHER BOARDS.--The Board of Governors
 3180 shall implement a plan for working on a regular basis with the
 3181 State Board of Education, the Commission for Independent
 3182 Education, the university boards of trustees, representatives of
 3183 the community college boards of trustees, representatives of the
 3184 private colleges and universities, and representatives of the
 3185 district school boards, to achieve a seamless education system.

3186 Section 76. Subsections (3) and (4) of section 1001.71,
 3187 Florida Statutes, are amended to read:

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3188 1001.71 University boards of trustees; membership.--
3189 (3) In accordance with s. 3, Art. II of the State
3190 Constitution, university boards of trustees are a part of the
3191 executive branch of state government. Each board of trustees
3192 ~~shall select its chair and vice chair from the appointed members~~
3193 ~~at its first regular meeting after July 1. The chair shall serve~~
3194 ~~for 2 years and may be reselected for one additional consecutive~~
3195 ~~term. The duties of the chair shall include presiding at all~~
3196 ~~meetings of the board of trustees, calling special meetings of~~
3197 ~~the board of trustees, and attesting to actions of the board of~~
3198 ~~trustees. The duty of the vice chair is to act as chair during~~
3199 ~~the absence or disability of the chair.~~
3200 ~~(4) The university president shall serve as executive~~
3201 ~~officer and corporate secretary of the board of trustees and~~
3202 ~~shall be responsible to the board of trustees for all operations~~
3203 ~~of the university and for setting the agenda for meetings of the~~
3204 ~~board of trustees in consultation with the chair.~~
3205 Section 77. Subsections (2) and (4) of section 1001.73,
3206 Florida Statutes, are amended to read:
3207 1001.73 University board empowered to act as trustee.--
3208 (2) Deeds, mortgages, leases, and other contracts of the
3209 university board of trustees relating to real property of any
3210 such trust or any interest therein may be executed by the
3211 university board of trustees, as trustee, in the same manner as
3212 is provided by the laws of the state for the execution of similar
3213 documents by other corporations or may be executed by the
3214 signatures of a majority of the members of the board of trustees;
3215 however, to be effective, any such deed, mortgage, or lease
3216 contract for more than 10 years of any trust property, executed

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3217 hereafter by the university board of trustees, shall be approved
 3218 by a resolution of the Board of Governors of the State University
 3219 System ~~State Board of Education~~; and such approving resolution
 3220 may be evidenced by the signature of either the chair or the
 3221 secretary of the Board of Governors of the State University
 3222 System ~~State Board of Education~~ to an endorsement on the
 3223 instrument approved, reciting the date of such approval, and
 3224 bearing the seal of the Board of Governors of the State
 3225 University System ~~State Board of Education~~. Such signed and
 3226 sealed endorsement shall be a part of the instrument and entitled
 3227 to record without further proof.

3228 (4) Nothing herein shall be construed to authorize a
 3229 university board of trustees to contract a debt on behalf of, or
 3230 in any way to obligate, the state; and the satisfaction of any
 3231 debt or obligation incurred by the university board as trustee
 3232 under the provisions of this section shall be exclusively from
 3233 the trust property, mortgaged or encumbered; and nothing herein
 3234 shall in any manner affect or relate to the provisions of ~~ss.~~
 3235 ~~1010.61 1010.619~~ or s. 1013.78, and any mortgage, lease, or other
 3236 agreement entered into pursuant to this section is subject to the
 3237 provisions of s. 1010.62.

3238 Section 78. Section 1001.74, Florida Statutes, is amended
 3239 to read:

3240 (Substantial rewording of section. See
 3241 s. 1001.74, F.S., for present text.)
 3242 1001.74 Powers and duties of university boards of
 3243 trustees.--

3244 (1) GENERAL PROVISIONS.--

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(a) Pursuant to s. 7(c), Art. IX of the State Constitution and except as otherwise provided by law, the Board of Governors of the State University System shall establish the powers and duties of the university boards of trustees.

(b) To the extent delegated by the Board of Governors pursuant to s. 1001.706, the boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law and guidelines of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(c) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.

(d) Each board of trustees shall perform all duties assigned by law or by the Board of Governors.

(e) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

(f) Each board of trustees shall adopt rules pursuant to ss. 120.536(1) and 120.54 when acting pursuant to statutory authority derived from the Legislature.

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.--

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3273 (a) Each board of trustees constitutes the contracting
 3274 agent of the university.

3275 (b) Each board of trustees shall submit to the Board of
 3276 Governors, for approval, all new campuses and instructional
 3277 centers.

3278 (c) Each board of trustees shall establish student
 3279 performance standards for the award of degrees and certificates.

3280 (d) Each board of trustees has responsibility for requiring
 3281 no more than 120 semester hours of coursework for baccalaureate
 3282 degree programs unless approved by the Board of Governors. At
 3283 least half of the required coursework for any baccalaureate
 3284 degree must be offered at the lower-division level, except in
 3285 program areas approved by the Board of Governors.

3286 (e) Each board of trustees has responsibility for ensuring
 3287 that students have access to general education courses as
 3288 identified by the university.

3289 (f) To the extent delegated by the Board of Governors
 3290 pursuant to s. 1001.706, each board of trustees shall identify
 3291 its core curricula and work with school districts to ensure that
 3292 curricula of the school district coordinate with the core
 3293 curricula of the university and prepare students for college-
 3294 level work.

3295 (g) To the extent delegated by the Board of Governors
 3296 pursuant to s. 1001.706, each board of trustees shall adopt a
 3297 written antihazing policy, appropriate penalties for violations
 3298 of such policy, and a program for enforcing such policy.

3299 (h) To the extent delegated by the Board of Governors
 3300 pursuant to s. 1001.706, each board of trustees may establish a
 3301 uniform code of conduct and appropriate penalties for violations

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3302 of its rules by students and student organizations, including
 3303 rules governing student academic honesty. Such penalties, unless
 3304 otherwise provided by law, may include reasonable fines, the
 3305 withholding of diplomas or transcripts pending compliance with
 3306 rules or payment of fines, and the imposition of probation,
 3307 suspension, or dismissal.

3308 (i) Each board of trustees is authorized to create
 3309 divisions of sponsored research pursuant to the provisions of s.
 3310 1004.22 and guidelines of the Board of Governors to serve the
 3311 function of administration and promotion of the programs of
 3312 research.

3313 (j) Each board of trustees may develop and produce work
 3314 products relating to educational endeavors that are subject to
 3315 trademark, copyright, or patent statutes pursuant to s. 1004.23.

3316 (k) To the extent delegated by the Board of Governors
 3317 pursuant to s. 1001.706, each board of trustees shall develop
 3318 guidelines and procedures related to data and technology,
 3319 including information systems, communications systems, computer
 3320 hardware and software, and networks.

3321 (l) Each board of trustees may govern traffic on its campus
 3322 pursuant to s. 1006.66.

3323 (m) A board of trustees has responsibility for supervising
 3324 faculty practice plans for the academic health science centers
 3325 pursuant to guidelines of the Board of Governors.

3326 (n) Each board of trustees may certify direct-support
 3327 organizations and university health services support
 3328 organizations to use university property and services in
 3329 accordance with guidelines of the Board of Governors.

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3330 (o) Each board of trustees may establish educational
 3331 research centers for child development pursuant to s. 1011.48.
 3332 (3) POWERS AND DUTIES RELATING TO FINANCE.--
 3333 (a) To the extent delegated by the Board of Governors
 3334 pursuant to s. 1001.706, each board of trustees shall account for
 3335 expenditures of all state, local, federal, and other funds. Such
 3336 accounting systems shall have appropriate audit and internal
 3337 controls in place that will enable the university to
 3338 satisfactorily and timely perform all accounting and reporting
 3339 functions required by state and federal law and rules.
 3340 (b) Each board of trustees shall submit an institutional
 3341 budget request, including a request for fixed capital outlay, and
 3342 an operating budget to the Board of Governors for approval in
 3343 accordance with guidelines established by the Board of Governors.
 3344 (c) To the extent delegated by the Board of Governors
 3345 pursuant to s. 1001.706, each board of trustees shall establish
 3346 tuition and fees pursuant to ss. 1009.24 and 1009.26.
 3347 (d) To the extent delegated by the Board of Governors
 3348 pursuant to s. 1001.706, each board of trustees is authorized to
 3349 secure comprehensive general liability insurance pursuant to s.
 3350 1004.24.
 3351 (e) Each board of trustees may provide for payment of the
 3352 costs of civil actions against officers, employees, or agents of
 3353 the board pursuant to s. 1012.965.
 3354 (f) Each board of trustees may enter into agreements for,
 3355 and accept, credit card payments as compensation for goods,
 3356 services, tuition, and fees.
 3357 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

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3358 (a) Each board of trustees shall develop a strategic plan
 3359 specifying institutional goals and objectives for the university
 3360 for recommendation to and approval by the Board of Governors.

3361 (b) Each board of trustees shall develop an accountability
 3362 plan pursuant to guidelines established by the Board of
 3363 Governors.

3364 (c) Each board of trustees shall maintain an effective
 3365 information system to provide accurate, timely, and cost-
 3366 effective information about the university pursuant to guidelines
 3367 of the Board of Governors.

3368 (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

3369 (a) To the extent delegated by the Board of Governors
 3370 pursuant to s. 1001.706, each board of trustees shall establish
 3371 the personnel program for all employees of the university,
 3372 including the president.

3373 (b) The Department of Management Services shall retain
 3374 authority over state university employees for programs
 3375 established in ss. 110.123, 110.161, 110.1232, 110.1234, and
 3376 110.1238 and in chapters 121, 122, and 238. Unless specifically
 3377 authorized by law, neither the Board of Governors nor a state
 3378 university may offer group insurance programs for employees as a
 3379 substitute for or as an alternative to the health insurance
 3380 programs offered pursuant to chapter 110.

3381 (c) Except as otherwise provided by law, university
 3382 employees are public employees for purposes of chapter 112 and
 3383 the payment for travel and per diem shall not exceed the level
 3384 specified in s. 112.061.

3385 (6) POWERS AND DUTIES RELATING TO PROPERTY.--

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3386 (a) Each board of trustees shall have the authority to
 3387 acquire real and personal property and contract for its sale and
 3388 disposal and approve and execute contracts for the purchase,
 3389 sale, lease, license, or acquisition of commodities, goods,
 3390 equipment, contractual services, leases of real and personal
 3391 property, and construction in accordance with law and guidelines
 3392 of the Board of Governors. The acquisition may include purchase
 3393 by installment or lease-purchase. Such contracts may provide for
 3394 payment of interest on the unpaid portion of the purchase price.
 3395 Title to all real property acquired prior to January 7, 2003, and
 3396 to all real property acquired with funds appropriated by the
 3397 Legislature shall be vested in the Board of Trustees of the
 3398 Internal Improvement Trust Fund and shall be transferred and
 3399 conveyed by it. Notwithstanding any other provisions of this
 3400 subsection, each board of trustees shall comply with the
 3401 provisions of s. 287.055 for the procurement of professional
 3402 services as defined therein. Any acquisition pursuant to this
 3403 paragraph is subject to the provisions of s. 1010.62.

3404 (b) Each board of trustees shall have responsibility for
 3405 the use, maintenance, protection, and control of university-owned
 3406 or university-controlled buildings and grounds, property and
 3407 equipment, name, trademarks and other proprietary marks, and the
 3408 financial and other resources of the university pursuant to
 3409 guidelines of the Board of Governors. Such authority may include
 3410 placing restrictions on activities and on access to facilities,
 3411 firearms, food, tobacco, alcoholic beverages, distribution of
 3412 printed materials, commercial solicitation, animals, and sound.
 3413 The authority vested in the board of trustees in this subsection
 3414 includes the prioritization of the use of space, property,

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3415 equipment, and resources and the imposition of charges for those
3416 items.

3417 (c) To the extent delegated by the Board of Governors
3418 pursuant to s. 1001.706, each board of trustees shall administer
3419 a program for the maintenance and construction of facilities
3420 pursuant to chapter 1013.

3421 (d) To the extent delegated by the Board of Governors
3422 pursuant to s. 1001.706, each board of trustees shall ensure
3423 compliance with the provisions of s. 287.09451 for all
3424 procurement and ss. 255.101 and 255.102 for construction
3425 contracts, and rules adopted pursuant thereto, relating to the
3426 utilization of minority business enterprises, except that
3427 procurements costing less than the amount provided for in
3428 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
3429 s. 287.09451.

3430 (e) Each board of trustees may exercise the right of
3431 eminent domain pursuant to the provisions of chapter 1013. Any
3432 suits or actions brought by the board of trustees shall be
3433 brought in the name of the board of trustees, and the Department
3434 of Legal Affairs shall conduct the proceedings for, and act as
3435 the counsel of, the board of trustees.

3436 (f) Notwithstanding the provisions of s. 253.025, but
3437 subject to the provisions of s. 1010.62, each board of trustees
3438 may, to the extent delegated by the Board of Governors pursuant
3439 to s. 1001.706 and with the consent of the Board of Trustees of
3440 the Internal Improvement Trust Fund, sell, convey, transfer,
3441 exchange, trade, or purchase real property and related
3442 improvements necessary and desirable to serve the needs and
3443 purposes of the university.

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3444 1. To the extent delegated by the Board of Governors
 3445 pursuant to s. 1001.706, each board of trustees may secure
 3446 appraisals and surveys. The board of trustees shall comply with
 3447 the rules of the Board of Trustees of the Internal Improvement
 3448 Trust Fund in securing appraisals. Whenever the board of trustees
 3449 finds it necessary for timely property acquisition, it may
 3450 contract, without the need for competitive selection, with one or
 3451 more appraisers whose names are contained on the list of approved
 3452 appraisers maintained by the Division of State Lands in the
 3453 Department of Environmental Protection.

3454 2. To the extent delegated by the Board of Governors
 3455 pursuant to s. 1001.706, each board of trustees may negotiate and
 3456 enter into an option contract before an appraisal is obtained.
 3457 The option contract must state that the final purchase price may
 3458 not exceed the maximum value allowed by law. The consideration
 3459 for such an option contract may not exceed 10 percent of the
 3460 estimate obtained by the board of trustees or 10 percent of the
 3461 value of the parcel, whichever is greater, unless otherwise
 3462 authorized by the board of trustees.

3463 3. This paragraph is not intended to abrogate in any manner
 3464 the authority delegated to the Board of Trustees of the Internal
 3465 Improvement Trust Fund or the Division of State Lands to approve
 3466 a contract for purchase of state lands or to require policies and
 3467 procedures to obtain clear legal title to parcels purchased for
 3468 state purposes. Title to property acquired by a university board
 3469 of trustees prior to January 7, 2003, and to property acquired
 3470 with funds appropriated by the Legislature shall vest in the
 3471 Board of Trustees of the Internal Improvement Trust Fund.

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3472 (g) To the extent delegated by the Board of Governors
3473 pursuant to s. 1001.706, each board of trustees shall prepare and
3474 adopt a campus master plan pursuant to s. 1013.30.

3475 (h) To the extent delegated by the Board of Governors
3476 pursuant to s. 1001.706, each board of trustees shall prepare,
3477 adopt, and execute a campus development agreement pursuant to s.
3478 1013.30.

3479 (i) Notwithstanding the provisions of s. 216.351 and to the
3480 extent delegated by the Board of Governors pursuant to s.
3481 1001.706, a board of trustees may authorize the rent or lease of
3482 parking facilities, provided that such facilities are funded
3483 through parking fees or parking fines imposed by a university.
3484 With authorization from the Board of Governors, a board of
3485 trustees may charge fees for parking at such rented or leased
3486 parking facilities.

3487 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
3488 REQUIREMENTS.-- Each board of trustees has responsibility for
3489 compliance with state and federal laws, rules, regulations, and
3490 requirements.

3491 (8) OTHER POWERS AND DUTIES.--A board of trustees shall
3492 perform such other duties as are provided by law or at the
3493 direction of the Board of Governors.

3494 Section 79. Section 1001.75, Florida Statutes, is amended
3495 to read:

3496 (Substantial rewording of section. See
3497 s. 1001.75, F.S., for present text.)

3498 1001.75 University presidents; powers and duties.--The
3499 president is the chief executive officer of the state university

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3500 and is responsible for the operation and administration of the
 3501 university. Each state university president shall:
 3502 (1) Recommend the adoption of rules, as appropriate, to the
 3503 university board of trustees to implement provisions of law
 3504 governing the operation and administration of the university,
 3505 which shall include the specific powers and duties enumerated in
 3506 this section. Such rules shall be consistent with the mission of
 3507 the university and the guidelines and policies of the Board of
 3508 Governors of the State University System.
 3509 (2) Prepare a budget request and an operating budget for
 3510 approval by the university board of trustees.
 3511 (3) Approve, execute, and administer contracts for and on
 3512 behalf of the university board of trustees for licenses; the
 3513 acquisition or provision of commodities, goods, equipment, and
 3514 services; leases of real and personal property; and planning and
 3515 construction to be rendered to or by the university, provided
 3516 such contracts are within law and guidelines of the Board of
 3517 Governors of the State University System and in conformance with
 3518 policies of the university board of trustees, and are for the
 3519 implementation of approved programs of the university. University
 3520 presidents shall comply with the provisions of s. 287.055 for the
 3521 procurement of professional services and may approve and execute
 3522 all contracts on behalf of the board of trustees for planning,
 3523 construction, and equipment. For the purposes of a university
 3524 president's contracting authority, a "continuing contract" for
 3525 professional services under the provisions of s. 287.055 is one
 3526 in which construction costs do not exceed \$1 million or the fee
 3527 for study activity does not exceed \$100,000. Contracts executed

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3528 pursuant to this subsection are subject to the requirements of s.
 3529 1010.62.

3530 (4) Act for the university board of trustees as custodian
 3531 of all university property.

3532 (5) Administer the university's program of intercollegiate
 3533 athletics.

3534 (6) Recommend to the board of trustees a schedule of
 3535 tuition and fees to be charged by the university.

3536 (7) Organize the university to efficiently and effectively
 3537 achieve the goals of the university.

3538 (8) Review periodically the operations of the university in
 3539 order to determine how effectively and efficiently the university
 3540 is being administered.

3541 (9) Provide purchasing, contracting, and budgetary review
 3542 processes for student government organizations.

3543 (10) Ensure compliance with federal and state laws, rules,
 3544 regulations, and other requirements that are applicable to the
 3545 university.

3546 (11) Maintain all data and information pertaining to the
 3547 operation of the university.

3548 (12) Adjust property records and dispose of state-owned
 3549 tangible personal property in the university's custody in
 3550 accordance with procedures established by the university board of
 3551 trustees in accordance with the provisions of chapter 273.
 3552 Notwithstanding the provisions of s. 273.055(5), all moneys
 3553 received from the disposition of state-owned tangible personal
 3554 property shall be retained by the university and disbursed for
 3555 the acquisition of tangible personal property and for all

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3556 necessary operating expenditures. The university shall maintain
 3557 records of the accounts into which such moneys are deposited.
 3558 Section 80. Paragraph (a) of subsection (2) and subsection
 3559 (4) of section 1002.35, Florida Statutes, are amended to read:
 3560 1002.35 New World School of the Arts.--
 3561 (2)(a) For purposes of governance, the New World School of
 3562 the Arts is assigned to Miami-Dade Community College, the Dade
 3563 County School District, and one or more universities designated
 3564 by the State Board of Education. The State Board of Education, in
 3565 consultation with the Board of Governors of the State University
 3566 System, shall assign to the New World School of the Arts a
 3567 university partner or partners. In this selection, the State
 3568 Board of Education and the Board of Governors shall consider the
 3569 accreditation status of the core programs. Florida International
 3570 University, in its capacity as the provider of university
 3571 services to Dade County, shall be a partner to serve the New
 3572 World School of the Arts, upon meeting the accreditation
 3573 criteria. The respective boards shall appoint members to an
 3574 executive board for administration of the school. The executive
 3575 board may include community members and shall reflect
 3576 proportionately the participating institutions. Miami-Dade
 3577 Community College shall serve as fiscal agent for the school.
 3578 (4) The State Board of Education and the Board of Governors
 3579 shall utilize resources, programs, and faculty from the various
 3580 state universities in planning and providing the curriculum and
 3581 courses at the New World School of the Arts, drawing on program
 3582 strengths at each state university.

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3583 Section 81. Subsection (8) of section 1002.41, Florida
3584 Statutes, is amended, subsection (9) is renumbered as subsection
3585 (10), and a new subsection (9) is added to that section, to read:
3586 1002.41 Home education programs.--

3587 (8) Home education students are eligible for admission to
3588 state universities in accordance with the policies and guidelines
3589 of the Board of Governors of the State University System
3590 ~~provisions of s. 1007.261.~~

3591 (9) A home education student who has completed a home
3592 education program in accordance with this section shall not be
3593 required to document completion of a specified 18 credit college
3594 preparatory curriculum.

3595 Section 82. Subsections (1) and (3) of section 1004.03,
3596 Florida Statutes, are amended to read:

3597 1004.03 Program approval.--

3598 (1) The Board of Governors of the State University System
3599 ~~State Board of Education~~ shall establish criteria for the
3600 approval of new programs at state universities that will receive
3601 any support from tuition and fees assessed pursuant to s. 1009.24
3602 or from funds appropriated by the Legislature through the General
3603 Appropriations Act or other law. These, which criteria include,
3604 but are not limited to, the following:

3605 (a) New programs may not be approved unless the same
3606 objectives cannot be met through use of educational technology.

3607 (b) Unnecessary duplication of programs offered by public
3608 and independent institutions shall be avoided.

3609 (c) Cooperative programs, particularly within regions,
3610 should be encouraged.

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3611 (d) New programs shall be approved only if they are
3612 consistent with the strategic plan ~~state master plans~~ adopted by
3613 the Board of Governors ~~State Board of Education~~.

3614 (e) A new graduate-level program or professional-level
3615 program may be approved if:

3616 1. The university has taken into account the offerings of
3617 its counterparts, including institutions in other sectors,
3618 particularly at the regional level.

3619 2. The addition of the program will not alter the emphasis
3620 on undergraduate education.

3621 3. The regional need and demand for the graduate program or
3622 professional program was addressed and the community needs are
3623 obvious.

3624 (3) New colleges, schools, or functional equivalents of any
3625 program that leads leading to a degree that is offered as a
3626 credential for a specific license granted under the Florida
3627 Statutes or the State Constitution and that will receive any
3628 support from tuition and fees or from funds appropriated by the
3629 Legislature through the General Appropriations Act or other law
3630 shall not be established without the specific approval of the
3631 Legislature.

3632 Section 83. Paragraph (b) of subsection (5) of section
3633 1004.04, Florida Statutes, is amended to read:

3634 1004.04 Public accountability and state approval for
3635 teacher preparation programs.--

3636 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding subsection
3637 (4), failure by a public or nonpublic teacher preparation program
3638 to meet the criteria for continued program approval shall result
3639 in loss of program approval. The Department of Education, in

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3640 collaboration with the departments and colleges of education,
3641 shall develop procedures for continued program approval that
3642 document the continuous improvement of program processes and
3643 graduates' performance.

3644 (b) Additional criteria for continued program approval for
3645 public institutions may be approved by the State Board of
3646 Education. Such criteria must emphasize instruction in classroom
3647 management and must provide for the evaluation of the teacher
3648 candidates' performance in this area. The criteria shall also
3649 require instruction in working with underachieving students.
3650 Program evaluation procedures must include, but are not limited
3651 to, program graduates' satisfaction with instruction and the
3652 program's responsiveness to local school districts. Additional
3653 criteria for continued program approval for nonpublic
3654 institutions shall be developed in the same manner as for public
3655 institutions; however, such criteria must be based upon
3656 significant, objective, and quantifiable graduate performance
3657 measures. Responsibility for collecting data on outcome measures
3658 through survey instruments and other appropriate means shall be
3659 shared by the postsecondary educational institutions and the
3660 Department of Education. By January 1 of each year, the
3661 Department of Education shall report this information for each
3662 postsecondary educational institution that has state-approved
3663 programs of teacher education to the Governor, the State Board of
3664 Education, the Board of Governors of the State University System,
3665 the Commissioner of Education, the President of the Senate, the
3666 Speaker of the House of Representatives, all Florida
3667 postsecondary teacher preparation programs, and interested
3668 members of the public. This report must analyze the data and make

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3669 recommendations for improving teacher preparation programs in the
3670 state.

3671 Section 84. Section 1004.07, Florida Statutes, is amended
3672 to read:

3673 1004.07 Student withdrawal from courses due to military
3674 service; effect.--

3675 (1) Each district school board, community college district
3676 board of trustees, and university board of trustees shall
3677 establish, by rule and pursuant to guidelines of the State Board
3678 of Education, policies regarding currently enrolled students who
3679 are called to, or enlist in, active military service.

3680 (2) Such policies shall provide that any student enrolled
3681 in a postsecondary course or courses at a career center, a public
3682 community college, a public college, or a state university shall
3683 not incur academic or financial penalties by virtue of performing
3684 military service on behalf of our country. Such student shall be
3685 permitted the option of either completing the course or courses
3686 at a later date without penalty or withdrawing from the course or
3687 courses with a full refund of fees paid. If the student chooses
3688 to withdraw, the student's record shall reflect that the
3689 withdrawal is due to active military service.

3690 (3) Policies of district school boards and community
3691 college boards of trustees shall be established by rule and
3692 pursuant to guidelines of the State Board of Education.

3693 (4) Policies of state university boards of trustees shall
3694 be established by rule and pursuant to guidelines of the Board of
3695 Governors of the State University System.

3696 Section 85. Section 1004.21, Florida Statutes, is amended
3697 to read:

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3698 (Substantial rewording of section.
 3699 See s. 1004.21, F.S., for present text.)
 3700 1004.21 State universities; general provisions.--Pursuant to
 3701 s. 3, Art. II and s. 7, Art. IX of the State Constitution, state
 3702 universities are part of the executive branch of state government
 3703 and are administered by a board of trustees as provided in s.
 3704 1001.74.
 3705 Section 86. Subsections (1), (2), (6), and (7) of section
 3706 1004.22, Florida Statutes, are amended to read:
 3707 1004.22 Divisions of sponsored research at state
 3708 universities.--
 3709 (1) Each university is authorized to create, in accordance
 3710 with guidelines of the Board of Governors of the State University
 3711 System as it deems advisable, divisions of sponsored research
 3712 which will serve the function of administration and promotion of
 3713 the programs of research, including sponsored training programs,
 3714 of the university at which they are located. ~~A division of~~
 3715 ~~sponsored research created under the provisions of this section~~
 3716 ~~shall be under the supervision of the president of that~~
 3717 ~~university.~~
 3718 (2) The university shall set such policies to regulate the
 3719 activities of the divisions of sponsored research as it may
 3720 consider necessary ~~to effectuate the purposes of this act and to~~
 3721 administer the research programs in a manner which assures
 3722 efficiency and effectiveness, producing the maximum benefit for
 3723 the educational programs and maximum service to the state. To
 3724 this end, materials that relate to methods of manufacture or
 3725 production, potential trade secrets, potentially patentable
 3726 material, actual trade secrets, business transactions, or

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3727 proprietary information received, generated, ascertained, or
 3728 discovered during the course of research conducted within the
 3729 state universities shall be confidential and exempt from the
 3730 provisions of s. 119.07(1), except that a division of sponsored
 3731 research shall make available upon request the title and
 3732 description of a research project, the name of the researcher,
 3733 and the amount and source of funding provided for such project.

3734 (6)(a) Each university shall submit to the Board of
 3735 Governors of the State University System ~~State Board of Education~~
 3736 a report of the activities of each division of sponsored research
 3737 together with an estimated budget for the next fiscal year.

3738 (b) Not less than 90 days prior to the convening of each
 3739 regular session of the Legislature in which an appropriation
 3740 shall be made, the Board of Governors of the State University
 3741 System ~~State Board of Education~~ shall submit to the chair of the
 3742 appropriations committee of each house of the Legislature a
 3743 compiled report, together with a compiled estimated budget for
 3744 the next fiscal year. A copy of such report and estimated budget
 3745 shall be furnished to the Governor, as the chief budget officer
 3746 of the state.

3747 (7) All purchases of a division of sponsored research shall
 3748 be made in accordance with the policies and procedures of the
 3749 university in accordance with guidelines of the Board of
 3750 Governors; however, upon certification addressed to the
 3751 university president that it is necessary for the efficient or
 3752 expeditious prosecution of a research project, the president may
 3753 exempt the purchase of material, supplies, equipment, or services
 3754 for research purposes from the general purchasing requirement of
 3755 the Florida Statutes.

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3756 Section 87. Section 1004.24, Florida Statutes, is amended
3757 to read:

3758 1004.24 Board of Governors of the State University System,
3759 or the board's designee, State Board of Education authorized to
3760 secure liability insurance.--

3761 (1) The Board of Governors of the State University System,
3762 or the board's designee, State Board of Education is authorized
3763 to secure, or otherwise provide as a self-insurer, or by a
3764 combination thereof, comprehensive general liability insurance,
3765 including professional liability for health care and veterinary
3766 sciences, for:

3767 (a) The Board of Governors of the State University System
3768 State Board of Education and its officers and members.

3769 (b) A university board of trustees and its officers and
3770 members.

3771 (c) The faculty and other employees and agents of a
3772 university board of trustees.

3773 (d) The students of a state university.

3774 (e) A state university or any college, school, institute,
3775 center, or program thereof.

3776 (f) Any not-for-profit corporation organized pursuant to
3777 chapter 617, and the directors, officers, employees, and agents
3778 thereof, which is affiliated with a state university, if the
3779 corporation is operated for the benefit of the state university
3780 in a manner consistent with the best interests of the state, and
3781 if such participation is approved by a self-insurance program
3782 council, the university president, and the board of trustees.

3783 (2) In the event the Board of Governors of the State
3784 University System, or the board's designee, State Board of

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3785 ~~Education~~ adopts a self-insurance program, a governing council
3786 chaired by the vice president for health affairs or his or her
3787 academic equivalent shall be established to administer the
3788 program and its duties and responsibilities, including the
3789 administration of self-insurance program assets and expenditure
3790 policies, which shall be defined in rules as authorized by this
3791 section. The council shall have an annual actuary review
3792 performed to establish funding requirements to maintain the
3793 fiscal integrity of the self-insurance program. The assets of a
3794 self-insurance program shall be deposited outside the State
3795 Treasury and shall be administered in accordance with rules as
3796 authorized by this section.

3797 (3) Any self-insurance program created under this section
3798 shall be funded by the entities and individuals protected by such
3799 program. There shall be no funds appropriated to any self-
3800 insurance program. The assets of the self-insurance program shall
3801 be the property of the board that adopts the self-insurance
3802 program ~~State Board of Education~~ and shall be used only to pay
3803 the administrative expenses of the self-insurance program and to
3804 pay any claim, judgment, or claims bill arising out of activities
3805 for which the self-insurance program was created. Investment
3806 income that is in excess of that income necessary to ensure the
3807 solvency of a self-insurance program as established by a casualty
3808 actuary may be used to defray the annual contribution paid into
3809 the program by the entities and individuals protected by the
3810 program.

3811 (4) No self-insurance program adopted by the Board of
3812 Governors of the State University System, or a designee of the
3813 board, ~~State Board of Education~~ may sue or be sued. The claims

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3814 files of any such program are privileged and confidential, exempt
3815 from the provisions of s. 119.07(1), and are only for the use of
3816 the program in fulfilling its duties. Any self-insurance trust
3817 fund and revenues generated by that fund shall only be used to
3818 pay claims and administration expenses.

3819 (5) Each self-insurance program council shall make
3820 provision for an annual financial audit pursuant to s. 11.45 of
3821 its accounts to be conducted by an independent certified public
3822 accountant. The annual audit report must include a management
3823 letter and shall be submitted to the Board of Governors of the
3824 State University System and the university board of trustees
3825 ~~State Board of Education~~ for review. The State Board of Education
3826 shall have the authority to require and receive from the self-
3827 insurance program council or from its independent auditor any
3828 detail or supplemental data relative to the operation of the
3829 self-insurance program.

3830 ~~(6) The State Board of Education may make such rules as are~~
3831 ~~necessary to carry out the provisions of this section.~~

3832 Section 88. Section 1004.25, Florida Statutes, is amended
3833 to read:

3834 1004.25 State universities; payment of costs of civil
3835 action.--

3836 (1) A university may defray all costs of defending any
3837 civil action brought against any officer or employee of the
3838 university for any act or omission arising out of and in the
3839 course of the performance of his or her duties and
3840 responsibilities, which costs may include reasonable attorney's
3841 fees and expenses together with costs of appeal, and may save
3842 harmless and protect such person from any financial loss

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3843 resulting from the lawful performance of his or her duties and
 3844 responsibilities. Claims based on such actions or omissions may
 3845 be settled prior to or after the filing of suit thereon. The
 3846 university may arrange for and pay the premium for appropriate
 3847 insurance to cover all such losses and expenses. The university
 3848 may use funds available, not subject to the obligation of
 3849 contract, covenant, or trust, to carry out the purposes of this
 3850 section in the amount necessary. However, any attorney's fees
 3851 paid from public funds for any officer or employee who is found
 3852 to be personally liable by virtue of acting outside the scope of
 3853 his or her employment or acting in bad faith, with malicious
 3854 purpose, or in a manner exhibiting wanton and willful disregard
 3855 of human rights, safety, or property may be recovered by the
 3856 state, county, municipality, or political subdivision in a civil
 3857 action against such officer or employee.

3858 (2) Failure by the university to perform any act authorized
 3859 by this section shall not constitute a cause of action against
 3860 the university or its members, officers, or employees.

3861 Section 89. Paragraph (c) is added to subsection (1) of
 3862 section 1004.28, Florida Statutes, and paragraph (b) of
 3863 subsection (2) and subsections (5), (6), and (7) of that section
 3864 are amended, to read:

3865 1004.28 Direct-support organizations; use of property;
 3866 board of directors; activities; audit; facilities.--

3867 (1) DEFINITIONS.--For the purposes of this section:

3868 (c) "Property" does not include student fee revenues
 3869 collected pursuant to s. 1009.24.

3870 (2) USE OF PROPERTY.--

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3871 (b) The board of trustees, in accordance with rules and
3872 guidelines of the Board of Governors of the State University
3873 System, shall prescribe by rule conditions with which a
3874 university direct-support organization must comply in order to
3875 use property, facilities, or personal services at any state
3876 university. Such rules shall provide for budget and audit review
3877 and oversight by the board of trustees.

3878 (5) ANNUAL AUDIT.--Each direct-support organization shall
3879 provide for an annual financial audit of its accounts and records
3880 to be conducted by an independent certified public accountant in
3881 accordance with rules adopted by the Auditor General pursuant to
3882 s. 11.45(8) and by the university board of trustees. The annual
3883 audit report shall be submitted, within 9 months after the end of
3884 the fiscal year, to the Auditor General and the Board of
3885 Governors of the State University System ~~State Board of Education~~
3886 for review. The Board of Governors ~~State Board of Education~~, the
3887 university board of trustees, the Auditor General, and the Office
3888 of Program Policy Analysis and Government Accountability shall
3889 have the authority to require and receive from the organization
3890 or from its independent auditor any records relative to the
3891 operation of the organization. The identity of donors who desire
3892 to remain anonymous shall be protected, and that anonymity shall
3893 be maintained in the auditor's report. All records of the
3894 organization other than the auditor's report, management letter,
3895 and any supplemental data requested by the Board of Governors
3896 ~~State Board of Education~~, the university board of trustees, the
3897 Auditor General, and the Office of Program Policy Analysis and
3898 Government Accountability shall be confidential and exempt from
3899 the provisions of s. 119.07(1).

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3900 (6) FACILITIES.--~~In addition to issuance of indebtedness~~
 3901 ~~pursuant to s. 1010.60(2),~~ Each direct-support organization is
 3902 authorized to enter into agreements to finance, design and
 3903 construct, lease, lease-purchase, purchase, or operate facilities
 3904 necessary and desirable to serve the needs and purposes of the
 3905 university, as determined by the systemwide strategic plan
 3906 adopted by the Board of Governors of the State University System
 3907 ~~State Board of Education.~~ Such agreements are subject to the
 3908 provisions of ss. s. 1013.171 and 1010.62.

3909 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
 3910 organization shall submit to the university president and the
 3911 Board of Governors of the State University System ~~State Board of~~
 3912 ~~Education~~ its federal Internal Revenue Service Application for
 3913 Recognition of Exemption form (Form 1023) and its federal
 3914 Internal Revenue Service Return of Organization Exempt from
 3915 Income Tax form (Form 990).

3916 Section 90. Subsections (3) and (5) of section 1004.29,
 3917 Florida Statutes, are amended to read:

3918 1004.29 University health services support organizations.--

3919 (3) A state university board of trustees, in accordance
 3920 with rules and guidelines of the Board of Governors of the State
 3921 University System, may prescribe, by rule, conditions with which
 3922 a university health services support organization must comply in
 3923 order to be certified and to use property, facilities, or
 3924 personal services at any state university. The rules must provide
 3925 for budget, audit review, and oversight by the board of trustees.
 3926 Such rules shall provide that the university health services
 3927 support organization may provide salary supplements and other
 3928 compensation or benefits for university faculty and staff

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3929 employees only as set forth in the organization's budget, which
3930 shall be subject to approval by the university president.

3931 (5) Each university health services support organization
3932 shall provide for an annual financial audit in accordance with s.
3933 1004.28(5). The auditor's report, management letter, and any
3934 supplemental data requested by the Board of Governors of the
3935 State University System ~~State Board of Education~~, the university
3936 board of trustees, and the Auditor General shall be considered
3937 public records, pursuant to s. 119.07.

3938 Section 91. Subsection (5) of section 1004.39, Florida
3939 Statutes, is amended to read:

3940 1004.39 College of law at Florida International
3941 University.--

3942 (5) ~~The Florida International University Board of Trustees~~
3943 ~~shall commence the planning of a college of law at Florida~~
3944 ~~International University. In planning the college of law, The~~
3945 Florida International University Board of Trustees and the Board
3946 of Governors of the State University System ~~State Board of~~
3947 ~~Education~~ may accept grants, donations, gifts, and moneys
3948 available for this purpose, including moneys for planning and
3949 constructing the college. The Florida International University
3950 Board of Trustees may procure and accept any federal funds that
3951 are available for the planning, creation, and establishment of
3952 the college of law. ~~Glasses must commence by the fall semester~~
3953 ~~2003.~~ If the American Bar Association or any other nationally
3954 recognized association for the accreditation of colleges of law
3955 issues a third disapproval of an application for provisional
3956 approval or for full approval or fails to grant, within 5 years
3957 following the graduation of the first class, a provisional

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3958 approval, to the college of law at Florida International
 3959 University, the Board of Governors of the State University System
 3960 ~~State Board of Education~~ shall make recommendations to the
 3961 Governor and the Legislature as to whether the college of law
 3962 will cease operations at the end of the full academic year
 3963 subsequent to the receipt by the college of law of any such third
 3964 disapproval, or whether the college of law will continue
 3965 operations and any conditions for continued operations. If the
 3966 college of law ceases operations pursuant to this section, the
 3967 following conditions apply:

3968 (a) The authority for the college of law at Florida
 3969 International University and the authority of the Florida
 3970 International University Board of Trustees and the Board of
 3971 Governors of the State University System ~~State Board of Education~~
 3972 provided in this section shall terminate upon the cessation of
 3973 operations of the college of law at Florida International
 3974 University. The college of law at Florida International
 3975 University shall receive no moneys allocated for the planning,
 3976 construction, or operation of the college of law after its
 3977 cessation of operations other than moneys to be expended for the
 3978 cessation of operations of the college of law. Any moneys
 3979 allocated to the college of law at Florida International
 3980 University not expended prior to or scheduled to be expended
 3981 after the date of the cessation of the college of law shall be
 3982 appropriated for other use by the Legislature of the State of
 3983 Florida.

3984 (b) Any buildings of the college of law at Florida
 3985 International University constructed from the expenditure of
 3986 capital outlay funds appropriated by the Legislature shall be

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3987 owned by the Board of Trustees of the Internal Improvement Trust
3988 Fund and managed by the Florida International University Board of
3989 Trustees upon the cessation of the college of law.

3990
3991 Nothing in this section shall undermine commitments to current
3992 students receiving support as of the date of the enactment of
3993 this section from the law school scholarship program of the
3994 Florida Education Fund as provided in s. 1009.70(8). Students
3995 attending the college of law at Florida International University
3996 shall be eligible for financial, academic, or other support from
3997 the Florida Education Fund as provided in s. 1009.70(8) without
3998 the college's obtaining accreditation by the American Bar
3999 Association.

4000 Section 92. Subsection (5) of section 1004.40, Florida
4001 Statutes, is amended to read:

4002 1004.40 College of law at Florida Agricultural and
4003 Mechanical University.--

4004 (5) ~~The Florida Agricultural and Mechanical University~~
4005 ~~Board of Trustees shall commence the planning of a college of law~~
4006 ~~under the auspices of Florida Agricultural and Mechanical~~
4007 ~~University to be located in the I-4 corridor area. In planning~~
4008 ~~the college of law,~~ The Florida Agricultural and Mechanical
4009 University Board of Trustees and the Board of Governors of the
4010 State University System ~~State Board of Education~~ may accept
4011 grants, donations, gifts, and moneys available for this purpose,
4012 including moneys for planning and constructing the college. The
4013 Florida Agricultural and Mechanical University Board of Trustees
4014 may procure and accept any federal funds that are available for
4015 the planning, creation, and establishment of the college of law.

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4016 ~~Classes must commence by the fall semester 2003.~~ If the American
 4017 Bar Association or any other nationally recognized association
 4018 for the accreditation of colleges of law issues a third
 4019 disapproval of an application for provisional approval or for
 4020 full approval or fails to grant, within 5 years following the
 4021 graduation of the first class, a provisional approval, to the
 4022 college of law at Florida Agricultural and Mechanical University,
 4023 the Board of Governors of the State University System ~~State Board~~
 4024 ~~of Education~~ shall make recommendations to the Governor and
 4025 Legislature as to whether the college of law will cease
 4026 operations at the end of the full academic year subsequent to the
 4027 receipt by the college of law of any such third disapproval, or
 4028 whether the college of law will continue operations and any
 4029 conditions for continued operations. If the college of law ceases
 4030 operations of the college of law pursuant to this section, the
 4031 following conditions apply:

4032 (a) The authority for the college of law at Florida
 4033 Agricultural and Mechanical University and the authority of the
 4034 Florida Agricultural and Mechanical University Board of Trustees
 4035 and the Board of Governors of the State University System ~~State~~
 4036 ~~Board of Education~~ provided in this section shall terminate upon
 4037 the cessation of operations of the college of law at Florida
 4038 Agricultural and Mechanical University. The college of law at
 4039 Florida Agricultural and Mechanical University shall receive no
 4040 moneys allocated for the planning, construction, or operation of
 4041 the college of law after its cessation of operations other than
 4042 moneys to be expended for the cessation of operations of the
 4043 college of law. Any moneys allocated to the college of law at
 4044 Florida Agricultural and Mechanical University not expended prior

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to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida Agricultural and Mechanical University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida Agricultural and Mechanical University Board of Trustees upon the cessation of the college of law.

Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida Agricultural and Mechanical University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.

Section 93. Paragraph (e) of subsection (4) of section 1004.41, Florida Statutes, is amended to read:

1004.41 University of Florida; J. Hillis Miller Health Center.--

(4)

(e) In the event that the lease of the hospital facilities to the not-for-profit corporation is terminated for any reason, the University of Florida Board of Trustees shall resume management and operation of the hospital facilities. In such

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4074 event, the board of trustees of the University of Florida
 4075 ~~Administration Commission~~ is authorized to utilize appropriate
 4076 revenues generated from the operation of the hospital facilities
 4077 to the University of Florida Board of Trustees to pay the costs
 4078 and expenses of operating the hospital facility for the remainder
 4079 of the fiscal year in which such termination occurs.

4080 Section 94. Section 1004.43, Florida Statutes, is amended
 4081 to read:

4082 1004.43 H. Lee Moffitt Cancer Center and Research
 4083 Institute.--There is established the H. Lee Moffitt Cancer Center
 4084 and Research Institute at the University of South Florida.

4085 (1) The Board of Governors of the State University System
 4086 ~~State Board of Education~~ shall enter into an agreement for the
 4087 utilization of the facilities on the campus of the University of
 4088 South Florida to be known as the H. Lee Moffitt Cancer Center and
 4089 Research Institute, including all furnishings, equipment, and
 4090 other chattels used in the operation of said facilities, with a
 4091 Florida not-for-profit corporation organized solely for the
 4092 purpose of governing and operating the H. Lee Moffitt Cancer
 4093 Center and Research Institute. This not-for-profit corporation,
 4094 acting as an instrumentality of the State of Florida, shall
 4095 govern and operate the H. Lee Moffitt Cancer Center and Research
 4096 Institute in accordance with the terms of the agreement between
 4097 the Board of Governors of the State University System ~~State Board~~
 4098 ~~of Education~~ and the not-for-profit corporation. The not-for-
 4099 profit corporation may, with the prior approval of the Board of
 4100 Governors of the State University System ~~State Board of~~
 4101 ~~Education~~, create either for-profit or not-for-profit corporate
 4102 subsidiaries, or both, to fulfill its mission. For-profit

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4103 subsidiaries of the not-for-profit corporation may not compete
 4104 with for-profit health care providers in the delivery of
 4105 radiation therapy services to patients. The not-for-profit
 4106 corporation and its subsidiaries are authorized to receive, hold,
 4107 invest, and administer property and any moneys received from
 4108 private, local, state, and federal sources, as well as technical
 4109 and professional income generated or derived from practice
 4110 activities of the institute, for the benefit of the institute and
 4111 the fulfillment of its mission. The affairs of the corporation
 4112 shall be managed by a board of directors who shall serve without
 4113 compensation. The President of the University of South Florida
 4114 and the chair of the Board of Governors of the State University
 4115 System ~~State Board of Education~~, or his or her designee, shall be
 4116 directors of the not-for-profit corporation, together with 5
 4117 representatives of the state universities and no more than 14 nor
 4118 fewer than 10 directors who are not medical doctors or state
 4119 employees. Each director shall have only one vote, shall serve a
 4120 term of 3 years, and may be reelected to the board. Other than
 4121 the President of the University of South Florida and the chair of
 4122 the Board of Governors of the State University System ~~State Board~~
 4123 ~~of Education~~, directors shall be elected by a majority vote of
 4124 the board. The chair of the board of directors shall be selected
 4125 by majority vote of the directors.

4126 (2) The Board of Governors of the State University System
 4127 ~~State Board of Education~~ shall provide in the agreement with the
 4128 not-for-profit corporation for the following:

4129 (a) Approval of the articles of incorporation of the not-
 4130 for-profit corporation by the Board of Governors of the State
 4131 University System ~~State Board of Education~~.

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4132 (b) Approval of the articles of incorporation of any not-
4133 for-profit corporate subsidiary created by the not-for-profit
4134 corporation.

4135 (c) Utilization of lands, facilities, and personnel by the
4136 not-for-profit corporation and its subsidiaries for research,
4137 education, treatment, prevention, and the early detection of
4138 cancer and for mutually approved teaching and research programs
4139 conducted by the University of South Florida or other accredited
4140 medical schools or research institutes.

4141 (d) Preparation of an annual financial audit of the not-
4142 for-profit corporation's accounts and records and the accounts
4143 and records of any subsidiaries to be conducted by an independent
4144 certified public accountant. The annual audit report shall
4145 include a management letter, as defined in s. 11.45, and shall be
4146 submitted to the Auditor General and the Board of Governors of
4147 the State University System ~~State Board of Education~~. The Board
4148 of Governors of the State University System ~~State Board of~~
4149 ~~Education~~, the Auditor General, and the Office of Program Policy
4150 Analysis and Government Accountability shall have the authority
4151 to require and receive from the not-for-profit corporation and
4152 any subsidiaries or from their independent auditor any detail or
4153 supplemental data relative to the operation of the not-for-profit
4154 corporation or subsidiary.

4155 (e) Provision by the not-for-profit corporation and its
4156 subsidiaries of equal employment opportunities to all persons
4157 regardless of race, color, religion, sex, age, or national
4158 origin.

4159 (3) The Board of Governors of the State University System
4160 ~~State Board of Education~~ is authorized to secure comprehensive

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4161 general liability protection, including professional liability
 4162 protection, for the not-for-profit corporation and its
 4163 subsidiaries pursuant to s. 1004.24. The not-for-profit
 4164 corporation and its subsidiaries shall be exempt from any
 4165 participation in any property insurance trust fund established by
 4166 law, including any property insurance trust fund established
 4167 pursuant to chapter 284, so long as the not-for-profit
 4168 corporation and its subsidiaries maintain property insurance
 4169 protection with comparable or greater coverage limits.

4170 (4) In the event that the agreement between the not-for-
 4171 profit corporation and the Board of Governors of the State
 4172 University System ~~State Board of Education~~ is terminated for any
 4173 reason, the Board of Governors of the State University System
 4174 ~~State Board of Education~~ shall resume governance and operation of
 4175 said facilities.

4176 (5) The institute shall be administered by a chief
 4177 executive officer who shall serve at the pleasure of the board of
 4178 directors of the not-for-profit corporation and who shall have
 4179 the following powers and duties subject to the approval of the
 4180 board of directors:

4181 (a) The chief executive officer shall establish programs
 4182 which fulfill the mission of the institute in research,
 4183 education, treatment, prevention, and the early detection of
 4184 cancer; however, the chief executive officer shall not establish
 4185 academic programs for which academic credit is awarded and which
 4186 terminate in the conference of a degree without prior approval of
 4187 the Board of Governors of the State University System ~~State Board~~
 4188 ~~of Education~~.

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4189 (b) The chief executive officer shall have control over the
 4190 budget and the dollars appropriated or donated to the institute
 4191 from private, local, state, and federal sources, as well as
 4192 technical and professional income generated or derived from
 4193 practice activities of the institute. However, professional
 4194 income generated by university faculty from practice activities
 4195 at the institute shall be shared between the institute and the
 4196 university as determined by the chief executive officer and the
 4197 appropriate university dean or vice president.

4198 (c) The chief executive officer shall appoint members to
 4199 carry out the research, patient care, and educational activities
 4200 of the institute and determine compensation, benefits, and terms
 4201 of service. Members of the institute shall be eligible to hold
 4202 concurrent appointments at affiliated academic institutions.
 4203 University faculty shall be eligible to hold concurrent
 4204 appointments at the institute.

4205 (d) The chief executive officer shall have control over the
 4206 use and assignment of space and equipment within the facilities.

4207 (e) The chief executive officer shall have the power to
 4208 create the administrative structure necessary to carry out the
 4209 mission of the institute.

4210 (f) The chief executive officer shall have a reporting
 4211 relationship to the Commissioner of Education.

4212 (g) The chief executive officer shall provide a copy of the
 4213 institute's annual report to the Governor and Cabinet, the
 4214 President of the Senate, the Speaker of the House of
 4215 Representatives, and the chair of the Board of Governors of the
 4216 State University System ~~State Board of Education.~~

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4217 (6) The board of directors of the not-for-profit
4218 corporation shall create a council of scientific advisers to the
4219 chief executive officer comprised of leading researchers,
4220 physicians, and scientists. This council shall review programs
4221 and recommend research priorities and initiatives so as to
4222 maximize the state's investment in the institute. The council
4223 shall be appointed by the board of directors of the not-for-
4224 profit corporation. Each member of the council shall be appointed
4225 to serve a 2-year term and may be reappointed to the council.

4226 (7) In carrying out the provisions of this section, the
4227 not-for-profit corporation and its subsidiaries are not
4228 "agencies" within the meaning of s. 20.03(11).

4229 (8)(a) Records of the not-for-profit corporation and of its
4230 subsidiaries are public records unless made confidential or
4231 exempt by law.

4232 (b) Proprietary confidential business information is
4233 confidential and exempt from the provisions of s. 119.07(1) and
4234 s. 24(a), Art. I of the State Constitution. However, the Auditor
4235 General, the Office of Program Policy Analysis and Government
4236 Accountability, and the Board of Governors of the State
4237 University System ~~State Board of Education~~, pursuant to their
4238 oversight and auditing functions, must be given access to all
4239 proprietary confidential business information upon request and
4240 without subpoena and must maintain the confidentiality of
4241 information so received. As used in this paragraph, the term
4242 "proprietary confidential business information" means
4243 information, regardless of its form or characteristics, which is
4244 owned or controlled by the not-for-profit corporation or its
4245 subsidiaries; is intended to be and is treated by the not-for-

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4246 | profit corporation or its subsidiaries as private and the
4247 | disclosure of which would harm the business operations of the
4248 | not-for-profit corporation or its subsidiaries; has not been
4249 | intentionally disclosed by the corporation or its subsidiaries
4250 | unless pursuant to law, an order of a court or administrative
4251 | body, a legislative proceeding pursuant to s. 5, Art. III of the
4252 | State Constitution, or a private agreement that provides that the
4253 | information may be released to the public; and which is
4254 | information concerning:

4255 | 1. Internal auditing controls and reports of internal
4256 | auditors;

4257 | 2. Matters reasonably encompassed in privileged attorney-
4258 | client communications;

4259 | 3. Contracts for managed-care arrangements, including
4260 | preferred provider organization contracts, health maintenance
4261 | organization contracts, and exclusive provider organization
4262 | contracts, and any documents directly relating to the
4263 | negotiation, performance, and implementation of any such
4264 | contracts for managed-care arrangements;

4265 | 4. Bids or other contractual data, banking records, and
4266 | credit agreements the disclosure of which would impair the
4267 | efforts of the not-for-profit corporation or its subsidiaries to
4268 | contract for goods or services on favorable terms;

4269 | 5. Information relating to private contractual data, the
4270 | disclosure of which would impair the competitive interest of the
4271 | provider of the information;

4272 | 6. Corporate officer and employee personnel information;

4273 | 7. Information relating to the proceedings and records of
4274 | credentialing panels and committees and of the governing board of

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4275 the not-for-profit corporation or its subsidiaries relating to
 4276 credentialing;

4277 8. Minutes of meetings of the governing board of the not-
 4278 for-profit corporation and its subsidiaries, except minutes of
 4279 meetings open to the public pursuant to subsection (9);

4280 9. Information that reveals plans for marketing services
 4281 that the corporation or its subsidiaries reasonably expect to be
 4282 provided by competitors;

4283 10. Trade secrets as defined in s. 688.002, including:
 4284 a. Information relating to methods of manufacture or
 4285 production, potential trade secrets, potentially patentable
 4286 materials, or proprietary information received, generated,
 4287 ascertained, or discovered during the course of research
 4288 conducted by the not-for-profit corporation or its subsidiaries;
 4289 and

4290 b. Reimbursement methodologies or rates;

4291 11. The identity of donors or prospective donors of
 4292 property who wish to remain anonymous or any information
 4293 identifying such donors or prospective donors. The anonymity of
 4294 these donors or prospective donors must be maintained in the
 4295 auditor's report; or

4296 12. Any information received by the not-for-profit
 4297 corporation or its subsidiaries from an agency in this or another
 4298 state or nation or the Federal Government which is otherwise
 4299 exempt or confidential pursuant to the laws of this or another
 4300 state or nation or pursuant to federal law.

4301

4302 As used in this paragraph, the term "managed care" means systems
 4303 or techniques generally used by third-party payors or their

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4304	agents to affect access to and control payment for health care	
4305	services. Managed-care techniques most often include one or more	
4306	of the following: prior, concurrent, and retrospective review of	
4307	the medical necessity and appropriateness of services or site of	
4308	services; contracts with selected health care providers;	
4309	financial incentives or disincentives related to the use of	
4310	specific providers, services, or service sites; controlled access	
4311	to and coordination of services by a case manager; and payor	
4312	efforts to identify treatment alternatives and modify benefit	
4313	restrictions for high-cost patient care.	

4314	(c) Subparagraphs 10. and 12. of paragraph (b) are subject	
4315	to the Open Government Sunset Review Act of 1995 in accordance	
4316	with s. 119.15 and shall stand repealed on October 2, 2010,	
4317	unless reviewed and saved from repeal through reenactment by the	
4318	Legislature.	

4319	(9) Meetings of the governing board of the not-for-profit	
4320	corporation and meetings of the subsidiaries of the not-for-	
4321	profit corporation at which the expenditure of dollars	
4322	appropriated to the not-for-profit corporation by the state are	
4323	discussed or reported must remain open to the public in	
4324	accordance with s. 286.011 and s. 24(b), Art. I of the State	
4325	Constitution, unless made confidential or exempt by law. Other	
4326	meetings of the governing board of the not-for-profit corporation	
4327	and of the subsidiaries of the not-for-profit corporation are	
4328	exempt from s. 286.011 and s. 24(b), Art. I of the State	
4329	Constitution.	

4330	(10) In addition to the continuing appropriation to the	
4331	institute provided in s. 210.20(2), any appropriation to the	
4332	institute provided in a general appropriations act shall be paid	

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4333 directly to the board of directors of the not-for-profit
4334 corporation by warrant drawn by the Chief Financial Officer from
4335 the State Treasury.

4336 Section 95. Section 1004.445, Florida Statutes, is amended
4337 to read:

4338 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
4339 Research Institute.--

4340 (1) The Johnnie B. Byrd, Sr., Alzheimer's Center and
4341 Research Institute is established at the University of South
4342 Florida.

4343 (2) (a) The Board of Governors of the State University
4344 System ~~State Board of Education~~ shall enter into an agreement for
4345 the utilization of the facilities on the campus of the University
4346 of South Florida to be known as the Johnnie B. Byrd, Sr.,
4347 Alzheimer's Center and Research Institute, including all
4348 furnishings, equipment, and other chattels used in the operation
4349 of those facilities, with a Florida not-for-profit corporation
4350 organized solely for the purpose of governing and operating the
4351 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.
4352 This not-for-profit corporation, acting as an instrumentality of
4353 the state, shall govern and operate the Johnnie B. Byrd, Sr.,
4354 Alzheimer's Center and Research Institute in accordance with the
4355 terms of the agreement between the Board of Governors of the
4356 State University System ~~State Board of Education~~ and the not-for-
4357 profit corporation. The not-for-profit corporation may, with the
4358 prior approval of the Board of Governors of the State University
4359 System ~~State Board of Education~~, create either for-profit or not-
4360 for-profit corporate subsidiaries, or both, to fulfill its
4361 mission. The not-for-profit corporation and its subsidiaries are

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4362 authorized to receive, hold, invest, and administer property and
 4363 any moneys acquired from private, local, state, and federal
 4364 sources, as well as technical and professional income generated
 4365 or derived from practice activities of the institute, for the
 4366 benefit of the institute and the fulfillment of its mission.

4367 (b)1. The affairs of the not-for-profit corporation shall
 4368 be managed by a board of directors who shall serve without
 4369 compensation. The board of directors shall consist of the
 4370 President of the University of South Florida and the chair of the
 4371 Board of Governors of the State University System ~~State Board of~~
 4372 ~~Education~~, or their designees, 5 representatives of the state
 4373 universities, and no fewer than 9 nor more than 14
 4374 representatives of the public who are neither medical doctors nor
 4375 state employees. Each director who is a representative of a state
 4376 university or of the public shall be appointed to serve a term of
 4377 3 years. The chair of the board of directors shall be selected by
 4378 a majority vote of the directors. Each director shall have only
 4379 one vote.

4380 2. The initial board of directors shall consist of the
 4381 President of the University of South Florida and the chair of the
 4382 Board of Governors of the State University System ~~State Board of~~
 4383 ~~Education~~, or their designees; the five university
 4384 representatives, of whom one shall be appointed by the Governor,
 4385 two by the President of the Senate, and two by the Speaker of the
 4386 House of Representatives; and nine public representatives, of
 4387 whom three shall be appointed by the Governor, three by the
 4388 President of the Senate, and three by the Speaker of the House of
 4389 Representatives. Upon the expiration of the terms of the initial
 4390 appointed directors, all directors subject to 3-year terms of

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4391 office under this paragraph shall be appointed by a majority vote
4392 of the directors and the board may be expanded to include
4393 additional public representative directors up to the maximum
4394 number allowed. Any vacancy in office shall be filled for the
4395 remainder of the term by majority vote of the directors. Any
4396 director may be reappointed.

4397 (3) The Board of Governors of the State University System
4398 ~~State Board of Education~~ shall provide in the agreement with the
4399 not-for-profit corporation for the following:

4400 (a) Approval by the Board of Governors of the State
4401 University System ~~State Board of Education~~ of the articles of
4402 incorporation of the not-for-profit corporation.

4403 (b) Approval by the Board of Governors of the State
4404 University System ~~State Board of Education~~ of the articles of
4405 incorporation of any not-for-profit corporate subsidiary created
4406 by the not-for-profit corporation.

4407 (c) Utilization of lands, facilities, and personnel by the
4408 not-for-profit corporation and its subsidiaries for research,
4409 education, treatment, prevention, and the early detection of
4410 Alzheimer's disease and for mutually approved teaching and
4411 research programs conducted by the University of South Florida or
4412 other accredited medical schools or research institutes.

4413 (d) Preparation of an annual financial audit pursuant to s.
4414 11.45 of the not-for-profit corporation's accounts and the
4415 accounts of any subsidiaries to be conducted by an independent
4416 certified public accountant. The annual audit report shall
4417 include management letters and shall be submitted to the Auditor
4418 General and the Board of Governors of the State University System
4419 ~~State Board of Education~~ for review. The Board of Governors of

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4420 | the State University System ~~State Board of Education~~, the Auditor
4421 | General, and the Office of Program Policy Analysis and Government
4422 | Accountability shall have the authority to require and receive
4423 | from the not-for-profit corporation and any subsidiaries, or from
4424 | their independent auditor, any detail or supplemental data
4425 | relative to the operation of the not-for-profit corporation or
4426 | subsidiary.

4427 | (e) Provision by the not-for-profit corporation and its
4428 | subsidiaries of equal employment opportunities for all persons
4429 | regardless of race, color, religion, gender, age, or national
4430 | origin.

4431 | (4) The Board of Governors of the State University System
4432 | ~~State Board of Education~~ is authorized to secure comprehensive
4433 | general liability protection, including professional liability
4434 | protection, for the not-for-profit corporation and its
4435 | subsidiaries, pursuant to s. 1004.24. The not-for-profit
4436 | corporation and its subsidiaries shall be exempt from any
4437 | participation in any property insurance trust fund established by
4438 | law, including any property insurance trust fund established
4439 | pursuant to chapter 284, so long as the not-for-profit
4440 | corporation and its subsidiaries maintain property insurance
4441 | protection with comparable or greater coverage limits.

4442 | (5) In the event that the agreement between the not-for-
4443 | profit corporation and the Board of Governors of the State
4444 | University System ~~State Board of Education~~ is terminated for any
4445 | reason, the Board of Governors of the State University System
4446 | ~~State Board of Education~~ shall assume governance and operation of
4447 | the facilities.

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4448 (6) The institute shall be administered by a chief
4449 executive officer, who shall be appointed by and serve at the
4450 pleasure of the board of directors of the not-for-profit
4451 corporation, and who shall exercise the following powers and
4452 duties, subject to the approval of the board of directors:

4453 (a) The chief executive officer shall establish programs
4454 that fulfill the mission of the institute in research, education,
4455 treatment, prevention, and early detection of Alzheimer's
4456 disease; however, the chief executive officer may not establish
4457 academic programs for which academic credit is awarded and which
4458 culminate in the conferring of a degree, without prior approval
4459 of the Board of Governors of the State University System ~~State~~
4460 ~~Board of Education.~~

4461 (b) The chief executive officer shall have control over the
4462 budget and the moneys appropriated or donated to the institute
4463 from private, local, state, and federal sources, as well as
4464 technical and professional income generated or derived from
4465 practice activities of the institute. However, professional
4466 income generated by university faculty from practice activities
4467 at the institute shall be shared between the institute and the
4468 university as determined by the chief executive officer and the
4469 appropriate university dean or vice president.

4470 (c) The chief executive officer shall appoint
4471 representatives of the institute to carry out the research,
4472 patient care, and educational activities of the institute and
4473 establish the compensation, benefits, and terms of service of
4474 such representatives. Representatives of the institute shall be
4475 eligible to hold concurrent appointments at affiliated academic

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4476 institutions. University faculty shall be eligible to hold
4477 concurrent appointments at the institute.

4478 (d) The chief executive officer shall have control over the
4479 use and assignment of space and equipment within the facilities.

4480 (e) The chief executive officer shall have the power to
4481 create the administrative structure necessary to carry out the
4482 mission of the institute.

4483 (f) The chief executive officer shall have a reporting
4484 relationship to the Commissioner of Education.

4485 (g) The chief executive officer shall provide a copy of the
4486 institute's annual report to the Governor and Cabinet, the
4487 President of the Senate, the Speaker of the House of
4488 Representatives, and the chair of the State Board of Education.

4489 (7) The board of directors of the not-for-profit
4490 corporation shall create a council of scientific advisers to the
4491 chief executive officer comprised of leading researchers,
4492 physicians, and scientists. The council shall review programs and
4493 recommend research priorities and initiatives to maximize the
4494 state's investment in the institute. The members of the council
4495 shall be appointed by the board of directors of the not-for-
4496 profit corporation. Each member of the council shall be appointed
4497 to serve a 2-year term and may be reappointed to the council.

4498 (8) In carrying out the provisions of this section, the
4499 not-for-profit corporation and its subsidiaries are not agencies
4500 within the meaning of s. 20.03(11).

4501 (9) The following information is confidential and exempt
4502 from the provisions of s. 119.07(1) and s. 24, Art. I of the
4503 State Constitution:

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4504 (a) Personal identifying information relating to clients of
4505 programs created or funded through the Johnnie B. Byrd, Sr.,
4506 Alzheimer's Center and Research Institute which is held by the
4507 institute, University of South Florida, or Board of Governors of
4508 the State University System ~~State Board of Education~~ or by
4509 persons who provide services to clients of programs created or
4510 funded through contracts with the Johnnie B. Byrd, Sr.,
4511 Alzheimer's Center and Research Institute;

4512 (b) Any medical or health records relating to patients
4513 which may be created or received by the institute;

4514 (c) Materials that relate to methods of manufacture or
4515 production, potential trade secrets, potentially patentable
4516 material, actual trade secrets as defined in s. 688.002, or
4517 proprietary information received, generated, ascertained, or
4518 discovered during the course of research conducted by or through
4519 the institute and business transactions resulting from such
4520 research;

4521 (d) The identity of a donor or prospective donor to the
4522 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
4523 who wishes to remain anonymous, and all information identifying
4524 such donor or prospective donor;

4525 (e) Any information received by the institute in the
4526 performance of its duties and responsibilities which is otherwise
4527 confidential and exempt by law; and

4528 (f) Any information received by the institute from a person
4529 from another state or nation or the Federal Government which is
4530 otherwise confidential or exempt pursuant to that state's or
4531 nation's laws or pursuant to federal law.

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Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information and shall otherwise keep such information confidential and exempt. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

(10) Any appropriation to the institute provided in a general appropriations act shall be paid directly to the board of directors of the not-for-profit corporation by warrant drawn by the Chief Financial Officer from the State Treasury.

Section 96. Section 1004.58, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1004.58, F.S., for present text.)

1004.58 Leadership Board for Applied Research and Public Service.--

(1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Department of Education.

(2) The purpose of the board is to advise the Board of Governors of the State University System, the State Board of Education, and the Legislature on how to focus, coordinate, and maximize university resources on current issues and events affecting the state's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments.

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4562 (3) The board shall set forth a process to provide
4563 comprehensive guidance and advice for improving the types and
4564 quality of services to be delivered by the state universities.
4565 Specifically, the board shall work to better identify and define
4566 the missions and roles of existing institutes and centers at each
4567 state university, work to eliminate duplication and confusion
4568 over conflicting roles and missions, and seek to involve more
4569 students in learning with applied research and public service
4570 activities.

4571 (4) The board shall meet at least quarterly.

4572 (5) The board may create internal management councils that
4573 may include working institute and center directors.

4574 (6) The board is responsible for, but is not limited to:

4575 (a) Providing strategic direction, planning, and
4576 accompanying decisions that support a coordinated applied public
4577 service and research approach in the state.

4578 (b) Addressing state university policy matters and making
4579 recommendations to the State Board of Education, the Board of
4580 Governors of the State University System, and the Legislature as
4581 they relate to applied public service and research.

4582 (c) Serving as a clearinghouse for services requested by
4583 public officials.

4584 (d) Providing input on funding and fiscal initiatives
4585 involving applied public service and research.

4586 (7) Membership of the board shall be the following persons
4587 or their designees:

4588 (a) The Commissioner of Education, who shall serve as
4589 chair.

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4590 (b) The director of the Office of Planning and Budgeting of
 4591 the Executive Office of the Governor.

4592 (c) The secretary of the Department of Management Services.

4593 (d) The director of Economic and Demographic Research.

4594 (e) The director of the Office of Program Policy Analysis
 4595 and Government Accountability.

4596 (f) The President of the Florida League of Cities.

4597 (g) The President of the Florida Association of Counties.

4598 (h) The President of the Florida School Board Association.

4599 (i) Five additional university president members,
 4600 designated by the commissioner, to rotate annually.

4601 (8) The board shall prepare a report for the Board of
 4602 Governors of the State University System and the State Board of
 4603 Education to be submitted to the Governor, the President of the
 4604 Senate, and the Speaker of the House of Representatives by
 4605 January 1 of each year which summarizes the work and
 4606 recommendations of the board in meeting its purpose and mission.

4607 Section 97. Paragraph (d) of subsection (1) of section
 4608 1005.03, Florida Statutes, is amended to read:

4609 1005.03 Designation "college" or "university".--

4610 (1) The use of the designation "college" or "university" in
 4611 combination with any series of letters, numbers, or words is
 4612 restricted in this state to colleges or universities as defined
 4613 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
 4614 fall into at least one of the following categories:

4615 (d) A college that is ~~under the jurisdiction of the~~
 4616 ~~Division of Colleges and Universities of the Department of~~
 4617 ~~Education, whose students are eligible to participate in for the~~
 4618 William L. Boyd, IV, Florida Resident Access Grant Program, and

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4619 that is a nonprofit independent college or university located and
4620 chartered in this state and accredited by the Commission on
4621 Colleges of the Southern Association of Colleges and Schools to
4622 grant baccalaureate degrees.

4623 Section 98. Paragraph (c) of subsection (1) of section
4624 1005.06, Florida Statutes, is amended to read:

4625 1005.06 Institutions not under the jurisdiction or purview
4626 of the commission.--

4627 (1) Except as otherwise provided in law, the following
4628 institutions are not under the jurisdiction or purview of the
4629 commission and are not required to obtain licensure:

4630 (c) Any institution that is ~~under the jurisdiction of the~~
4631 ~~Division of Colleges and Universities of the Department of~~
4632 ~~Education, whose students are eligible to participate in for the~~
4633 William L. Boyd, IV, Florida Resident Access Grant Program, and
4634 that is a nonprofit independent college or university located and
4635 chartered in this state and accredited by the Commission on
4636 Colleges of the Southern Association of Colleges and Schools to
4637 grant baccalaureate degrees.

4638 Section 99. Paragraph (e) of subsection (2) of section
4639 1005.22, Florida Statutes, is amended to read:

4640 1005.22 Powers and duties of commission.--

4641 (2) The commission may:

4642 (e) Advise the Governor, the Legislature, the State Board
4643 of Education, ~~the Council for Education Policy Research and~~
4644 ~~Improvement~~, and the Commissioner of Education on issues relating
4645 to private postsecondary education.

4646 Section 100. Section 1006.53, Florida Statutes, is amended
4647 to read:

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4648 1006.53 Religious observances.--Each public postsecondary
4649 educational institution shall adopt a policy ~~in accordance with~~
4650 ~~rules of the State Board of Education~~ which reasonably
4651 accommodates the religious observance, practice, and belief of
4652 individual students in regard to admissions, class attendance,
4653 and the scheduling of examinations and work assignments. Each
4654 policy shall include a grievance procedure by which a student who
4655 believes that he or she has been unreasonably denied an
4656 educational benefit due to his or her religious belief or
4657 practices may seek redress. Such policy shall be made known to
4658 faculty and students annually in inclusion in the institution's
4659 handbook, manual, or other similar document regularly provided to
4660 faculty and students.

4661 Section 101. Subsection (3) of section 1006.60, Florida
4662 Statutes, is amended to read:

4663 1006.60 Codes of conduct; disciplinary measures; rulemaking
4664 authority.--

4665 (3) Sanctions authorized by such codes of conduct may be
4666 imposed only for acts or omissions in violation of rules adopted
4667 by the institution, including rules adopted under this section,
4668 rules of the State Board of Education or the Board of Governors
4669 of the State University System, county and municipal ordinances,
4670 and the laws of this state, the United States, or any other
4671 state.

4672 Section 102. Subsection (1) of section 1006.61, Florida
4673 Statutes, is amended to read:

4674 1006.61 Participation by students in disruptive activities
4675 at public postsecondary educational institution; penalties.--

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4676 (1) Any person who accepts the privilege extended by the
4677 laws of this state of attendance at any public postsecondary
4678 educational institution shall, by attending such institution, be
4679 deemed to have given his or her consent to the policies of that
4680 institution, the State Board of Education, the Board of Governors
4681 of the State University System, and the laws of this state. Such
4682 policies shall include prohibition against disruptive activities
4683 at public postsecondary educational institutions.

4684 Section 103. Subsections (1) and (3) of section 1006.62,
4685 Florida Statutes, are amended to read:

4686 1006.62 Expulsion and discipline of students of community
4687 colleges and state universities.--

4688 (1) Each student in a community college or state university
4689 is subject to federal and state law, respective county and
4690 municipal ordinances, and all rules and regulations of the State
4691 Board of Education, the Board of Governors of the State
4692 University System, or the board of trustees of the institution.

4693 (3) Each president of a community college or state
4694 university may, after notice to the student of the charges and
4695 after a hearing thereon, ~~to~~ expel, suspend, or otherwise
4696 discipline any student who is found to have violated any law,
4697 ordinance, or rule or regulation of the State Board of Education,
4698 the Board of Governors of the State University System, or ~~of~~ the
4699 board of trustees of the institution. A student may be entitled
4700 to waiver of expulsion:

4701 (a) If the student provides substantial assistance in the
4702 identification, arrest, or conviction of any of his or her
4703 accomplices, accessories, coconspirators, or principals or of any

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4704 other person engaged in violations of chapter 893 within a state
4705 university or community college;

4706 (b) If the student voluntarily discloses his or her
4707 violations of chapter 893 prior to his or her arrest; or

4708 (c) If the student commits himself or herself, or is
4709 referred by the court in lieu of sentence, to a state-licensed
4710 drug abuse program and successfully completes the program.

4711 Section 104. Section 1006.65, Florida Statutes, is amended
4712 to read:

4713 1006.65 Safety issues in courses offered by public
4714 postsecondary educational institutions.--

4715 (1) The State Board of Education shall adopt rules to
4716 ensure that policies and procedures are in place to protect the
4717 health and safety of students, instructional personnel, and
4718 visitors who participate in courses offered by a community
4719 college ~~public postsecondary educational institution~~.

4720 (2) The Board of Governors of the State University System
4721 shall adopt rules to ensure that policies and procedures are in
4722 place to protect the health and safety of students, instructional
4723 personnel, and visitors who participate in courses offered by a
4724 state university.

4725 ~~(3)~~ ~~(2)~~ Such policies and procedures shall be guided by
4726 industry standards for practices in the course content area and
4727 shall conform with all related and relevant state and federal
4728 health and safety requirements.

4729 Section 105. Section 1006.71, Florida Statutes, is amended
4730 to read:

4731 1006.71 Gender equity in intercollegiate athletics.--

4732 (1) GENDER EQUITY PLAN.--

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4733 (a) Each community college and state university shall
 4734 develop a gender equity plan pursuant to s. 1000.05.

4735 (b) The plan shall include consideration of equity in
 4736 sports offerings, participation, availability of facilities,
 4737 scholarship offerings, and funds allocated for administration,
 4738 recruitment, comparable coaching, publicity and promotion, and
 4739 other support costs.

4740 (c) The Commissioner of Education shall annually assess the
 4741 progress of each community college's ~~institution's~~ plan and
 4742 advise the State Board of Education and the Legislature regarding
 4743 compliance.

4744 (d) The Chancellor of the State University System shall
 4745 annually assess the progress of each state university's plan and
 4746 advise the Board of Governor's of the State University System and
 4747 the Legislature regarding compliance.

4748 ~~(e)-(d)~~ Each board of trustees of a public community college
 4749 or state university shall annually evaluate the presidents on the
 4750 extent to which the gender equity goals have been achieved.

4751 ~~(f)-(e)~~ To determine the proper level of support for women's
 4752 athletic scholarships, an equity plan may determine, where
 4753 appropriate, that support for women's scholarships may be
 4754 disproportionate to the support of scholarships for men.

4755 ~~(g)1.-(f)~~ If a community college ~~or state university~~ is not
 4756 in compliance with Title IX of the Education Amendments of 1972
 4757 and the Florida Educational Equity Act, the State Board of
 4758 Education shall:

4759 a.1- Declare the institution ineligible for competitive
 4760 state grants.

4761 b.2- Withhold funds sufficient to obtain compliance.

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4762
4763 The institution shall remain ineligible and the funds shall not
4764 be paid until the institution comes into compliance or the
4765 Commissioner of Education approves a plan for compliance.
4766 2. If a state university is not in compliance with Title IX
4767 of the Education Amendments of 1972 and the Florida Educational
4768 Equity Act, the Board of Governors of the State University System
4769 shall:
4770 a. Declare the institution ineligible for competitive state
4771 grants.
4772 b. Withhold funds sufficient to obtain compliance.
4773
4774 The institution shall remain ineligible and the funds shall not
4775 be paid until the institution comes into compliance or the Board
4776 of Governors approves a plan for compliance.
4777 (2) FUNDING.--
4778 (a) An equitable portion of all separate athletic fees
4779 shall be designated for women's intercollegiate athletics.
4780 (b) The level of funding and percentage share of support
4781 for women's intercollegiate athletics for community colleges
4782 shall be determined by the State Board of Education. The level of
4783 funding and percentage share of support for women's
4784 intercollegiate athletics for state universities shall be
4785 determined by the Board of Governors of the State University
4786 System. The level of funding and percentage share attained in the
4787 1980-1981 fiscal year shall be the minimum level and percentage
4788 maintained by each institution, except as the State Board of
4789 Education or the Board of Governors of the State University
4790 System otherwise directs its respective institutions for the

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4791 purpose of assuring equity. Consideration shall be given by the
 4792 State Board of Education or the Board of Governors of the State
 4793 University System to emerging athletic programs at institutions
 4794 which may not have the resources to secure external funds to
 4795 provide athletic opportunities for women. It is the intent that
 4796 the effect of any redistribution of funds among institutions
 4797 shall not negate the requirements as set forth in this section.

4798 (c) In addition to the above amount, an amount equal to the
 4799 sales taxes collected from admission to athletic events sponsored
 4800 by a state university shall be retained and utilized by each
 4801 university to support women's athletics.

4802 (3) STATE BOARD OF EDUCATION.--The State Board of Education
 4803 shall assure equal opportunity for female athletes at community
 4804 colleges and establish:

4805 (a) Guidelines for reporting of intercollegiate athletics
 4806 data concerning financial, program, and facilities information
 4807 for review by the State Board of Education annually.

4808 (b) Systematic audits for the evaluation of such data.

4809 (c) Criteria for determining and assuring equity.

4810 (4) BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.--The
 4811 Board of Governors of the State University System shall assure
 4812 equal opportunity for female athletes at state universities and
 4813 establish:

4814 (a) Guidelines for reporting of intercollegiate athletics
 4815 data concerning financial, program, and facilities information
 4816 for review by the Board of Governors annually.

4817 (b) Systematic audits for the evaluation of such data.

4818 (c) Criteria for determining and assuring equity.

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4819 Section 106. Subsection (2) of section 1007.01, Florida
4820 Statutes, is amended to read:
4821 1007.01 Articulation; legislative intent; purpose; role of
4822 the State Board of Education.--
4823 (2) To improve and facilitate articulation systemwide, the
4824 State Board of Education shall recommend ~~develop~~ policies and
4825 guidelines to the Legislature with input from the Board of
4826 Governors of the State University System and statewide K-20
4827 advisory groups established by the Commissioner of Education
4828 relating to:
4829 (a) The alignment between the exit requirements of one
4830 system and the admissions requirements of another system into
4831 which students typically transfer.
4832 (b) The identification of common courses, the level of
4833 courses, institutional participation in a statewide course
4834 numbering system, and the transferability of credits among such
4835 institutions.
4836 (c) Identification of courses that meet general education
4837 or common degree program prerequisite requirements at public
4838 postsecondary educational institutions.
4839 (d) Dual enrollment course equivalencies.
4840 (e) Articulation agreements.
4841 Section 107. Subsection (1) of section 1007.22, Florida
4842 Statutes, is amended to read:
4843 1007.22 Articulation; postsecondary institution
4844 coordination and collaboration.--
4845 (1) The university boards of trustees, community college
4846 boards of trustees, and district school boards are encouraged to
4847 ~~may~~ establish intrainstitutional and interinstitutional programs

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4848 to maximize articulation. Programs may include upper-division-
 4849 level courses offered at the community college, distance
 4850 learning, transfer agreements that facilitate the transfer of
 4851 credits between public and nonpublic postsecondary institutions,
 4852 and the concurrent enrollment of students at a community college
 4853 and a state university to enable students to take any level of
 4854 baccalaureate degree coursework.

4855 Section 108. Subsections (1) and (2) of section 1007.23,
 4856 Florida Statutes, are amended to read:

4857 1007.23 Statewide articulation agreement.--

4858 (1) To maximize the use of funds appropriated by the
 4859 Legislature to provide Florida residents with affordable access
 4860 to postsecondary education programs at public postsecondary
 4861 educational institutions, the State Board of Education, with
 4862 input from the Board of Governors of the State University System,
 4863 shall establish ~~in rule~~ a statewide articulation agreement that
 4864 governs:

4865 (a) Articulation between secondary and postsecondary
 4866 education;

4867 (b) Admission of associate in arts degree graduates from
 4868 community colleges and state universities;

4869 (c) Admission of applied technology diploma program
 4870 graduates from community colleges or career centers;

4871 (d) Admission of associate in science degree and associate
 4872 in applied science degree graduates from community colleges;

4873 (e) The use of acceleration mechanisms, including
 4874 nationally standardized examinations through which students may
 4875 earn credit;

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4876 (f) General education requirements and statewide course
4877 numbers as provided for in ss. 1007.24 and 1007.25; and
4878 (g) Articulation among programs in nursing.
4879 (2) The articulation agreement must specifically provide
4880 that every associate in arts graduate of a community college who
4881 is a Florida resident shall have met all general education
4882 requirements and must be granted admission to the upper division
4883 of a state university except to a limited access or teacher
4884 certification program or a major program requiring an audition.
4885 ~~After admission has been granted to students under provisions of~~
4886 ~~this section and to university students who have successfully~~
4887 ~~completed 60 credit hours of coursework, including 36 hours of~~
4888 ~~general education, and met the requirements of s. 1008.29,~~
4889 ~~admission shall be granted to state university and community~~
4890 ~~college students who have successfully completed 60 credit hours~~
4891 ~~of work, including 36 hours of general education.~~ Community
4892 college associate in arts graduates shall receive priority for
4893 admission to a state university over out-of-state students.
4894 Orientation programs and student handbooks provided to freshman
4895 enrollees and transfer students at state universities must
4896 include an explanation of this provision of the articulation
4897 agreement.
4898 Section 109. Subsections (1), (3), (4), and (7) of section
4899 1007.24, Florida Statutes, are amended to read:
4900 1007.24 Statewide course numbering system.--
4901 (1) To maximize the use of funds appropriated by the
4902 Legislature to provide Florida residents with affordable access
4903 to postsecondary education program at public postsecondary
4904 educational institutions, the Department of Education shall

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4905 develop, coordinate, and maintain a statewide course numbering
 4906 system for postsecondary and dual enrollment education in school
 4907 districts, public postsecondary educational institutions, and
 4908 participating nonpublic postsecondary educational institutions.
 4909 It is the intent of the Legislature that the statewide course
 4910 numbering system ~~that will~~ improve program planning, increase
 4911 communication among all delivery systems, and facilitate student
 4912 acceleration and the transfer of students and credits between
 4913 public school districts, public postsecondary educational
 4914 institutions, and participating nonpublic educational
 4915 institutions. The continuing maintenance of the system shall be
 4916 accomplished with the assistance of appropriate faculty
 4917 committees representing public and participating nonpublic
 4918 educational institutions.

4919 (3) The Commissioner of Education shall recommend to the
 4920 State Board of Education the levels for the courses. The State
 4921 Board of Education, with input from the Board of Governors of the
 4922 State University System, shall approve the levels for the
 4923 courses.

4924 (4) The statewide course numbering system shall include the
 4925 courses at the approved ~~recommended~~ levels.

4926 (7) To maximize the use of funds appropriated by the
 4927 Legislature to provide access to a postsecondary education, any
 4928 student who transfers among postsecondary institutions that are
 4929 fully accredited by a regional or national accrediting agency
 4930 recognized by the United States Department of Education and that
 4931 participate in the statewide course numbering system shall be
 4932 awarded credit by the receiving institution for courses
 4933 satisfactorily completed by the student at the previous

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4934	institutions. Credit shall be awarded if the courses are judged	
4935	by the appropriate statewide course numbering system faculty	
4936	committees representing school districts, public postsecondary	
4937	educational institutions, and participating nonpublic	
4938	postsecondary educational institutions to be academically	
4939	equivalent to courses offered at the receiving institution,	
4940	including equivalency of faculty credentials, regardless of the	
4941	public or nonpublic control of the previous institution. The	
4942	Department of Education shall ensure that credits to be accepted	
4943	by a receiving institution are generated in courses for which the	
4944	faculty possess credentials that are comparable to those required	
4945	by the accrediting association of the receiving institution. The	
4946	award of credit may be limited to courses that are entered in the	
4947	statewide course numbering system. Credits awarded pursuant to	
4948	this subsection shall satisfy institutional requirements on the	
4949	same basis as credits awarded to native students.	

4950	Section 110. Subsections (3), (5), (6), (8), (9), and (11)	
4951	of section 1007.25, Florida Statutes, are amended to read:	

4952	1007.25 General education courses; common prerequisites;	
4953	and other degree requirements.--	

4954	(3) The department shall identify those courses that meet	
4955	general education requirements within the subject areas of	
4956	communication, mathematics, social sciences, humanities, and	
4957	natural sciences. The courses shall be identified by their	
4958	statewide course code number. <u>To maximize the use of funds</u>	
4959	<u>appropriated by the Legislature to provide Florida residents with</u>	
4960	<u>affordable access to postsecondary education programs at public</u>	
4961	<u>postsecondary educational institutions,</u> all public postsecondary	

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4962 educational institutions shall accept these general education
4963 courses.

4964 (5) The department shall identify common prerequisite
4965 courses and course substitutions for degree programs across all
4966 institutions. To maximize the use of funds appropriated by the
4967 Legislature to provide Florida residents with affordable access
4968 to postsecondary education programs at public postsecondary
4969 educational institutions, common degree program prerequisites
4970 shall be offered and accepted by all state universities and
4971 community colleges, except in cases approved by the State Board
4972 of Education for community colleges and the Board of Governors of
4973 the State University System for state universities pursuant to s.
4974 1001.02(2)(x). The department shall develop a centralized
4975 database containing the list of courses and course substitutions
4976 that meet the prerequisite requirements for each baccalaureate
4977 degree program.

4978 (6) The boards of trustees of the community colleges ~~and~~
4979 ~~state universities~~ shall identify their core curricula, which
4980 shall include courses required by the State Board of Education.
4981 The boards of trustees of the state universities shall identify
4982 their core curricula, which shall include courses required by the
4983 Board of Governors of the State University System. The
4984 universities and community colleges shall work with their school
4985 districts to assure that high school curricula coordinate with
4986 the core curricula and to prepare students for college-level
4987 work. Core curricula for associate in arts programs shall be
4988 adopted in rule by the State Board of Education and shall include
4989 36 semester hours of general education courses in the subject

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4990 areas of communication, mathematics, social sciences, humanities,
4991 and natural sciences.

4992 (8) To maximize the use of resources appropriated by the
4993 Legislature to provide Florida residents with affordable access
4994 to undergraduate degree programs, a baccalaureate degree program
4995 shall require no more than 120 semester hours of college credit,
4996 including 36 semester hours of general education coursework,
4997 unless prior approval has been granted by the Board of Governors
4998 of the State University System for baccalaureate degree programs
4999 offered by state universities and by the State Board of Education
5000 for baccalaureate degree programs offered by community colleges.

5001 (9) A student who received an associate in arts degree for
5002 successfully completing 60 semester credit hours may continue to
5003 earn additional credits at a community college. The university
5004 must provide credit toward the student's baccalaureate degree for
5005 an additional community college course if, according to the
5006 statewide course numbering, the community college course is a
5007 course listed in the university catalog as required for the
5008 degree or as prerequisite to a course required for the degree. Of
5009 the courses required for the degree, at least half of the credit
5010 hours required for the degree shall be achievable through courses
5011 designated as lower division, except in degree programs approved
5012 by the State Board of Education for programs offered by community
5013 colleges and by the Board of Governors of the State University
5014 System for programs offered by state universities.

5015 (11) The Commissioner of Education shall appoint faculty
5016 committees representing both community college and public school
5017 faculties to recommend to the commissioner for approval by the
5018 State Board of Education a standard program length and

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5019 appropriate occupational completion points for each postsecondary
5020 career certificate program, diploma, and degree offered by a
5021 school district or a community college.

5022 Section 111. Section 1007.262, Florida Statutes, is amended
5023 to read:

5024 1007.262 Foreign language competence; equivalence
5025 determinations.--The Department of Education shall identify the
5026 competencies demonstrated by students upon the successful
5027 completion of 2 credits of sequential high school foreign
5028 language instruction. For the purpose of determining
5029 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b)~~, the
5030 department shall develop rules through which community colleges
5031 correlate such competencies to the competencies required of
5032 students in the colleges' respective courses. Based on this
5033 correlation, each community college shall identify the minimum
5034 number of postsecondary credits that students must earn in order
5035 to demonstrate a level of competence in a foreign language at
5036 least equivalent to that of students who have completed 2 credits
5037 of such instruction in high school. The department may also
5038 specify alternative means by which students can demonstrate
5039 equivalent foreign language competence, including means by which
5040 a student whose native language is not English may demonstrate
5041 proficiency in the native language. A student who demonstrates
5042 proficiency in a native language other than English may be ~~is~~
5043 exempt from a ~~the~~ requirement of completing foreign language
5044 courses at the secondary or postsecondary level.

5045 Section 112. Section 1007.264, Florida Statutes, is amended
5046 to read:

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5047 1007.264 Impaired and learning disabled persons; admission
5048 to postsecondary educational institutions; substitute
5049 requirements; rules.--

5050 (1) Any student with a disability, as defined in s.
5051 1007.02(2), except those students who have been documented as
5052 having mental retardation, shall be eligible for reasonable
5053 substitution for any requirement for admission into a public
5054 postsecondary educational institution where documentation can be
5055 provided that the person's failure to meet the admission
5056 requirement is related to the disability.

5057 (2) The State Board of Education shall adopt rules to
5058 implement this section for community colleges and shall develop
5059 substitute admission requirements where appropriate.

5060 (3) The Board of Governors of the State University System
5061 shall adopt rules to implement this section and shall develop
5062 substitute admissions requirements where appropriate.

5063 Section 113. Section 1007.265, Florida Statutes, is amended
5064 to read:

5065 1007.265 Impaired and learning disabled persons;
5066 graduation, study program admission, and upper-division entry;
5067 substitute requirements; rules.--

5068 (1) Any student with a disability, as defined in s.
5069 1007.02(2), in a public postsecondary educational institution,
5070 except those students who have been documented as having mental
5071 retardation, shall be eligible for reasonable substitution for
5072 any requirement for graduation, for admission into a program of
5073 study, or for entry into the upper division where documentation
5074 can be provided that the person's failure to meet the requirement
5075 is related to the disability and where failure to meet the

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5076 graduation requirement or program admission requirement does not
5077 constitute a fundamental alteration in the nature of the program.

5078 (2) The State Board of Education shall adopt rules to
5079 implement this section for community colleges and shall develop
5080 substitute requirements where appropriate.

5081 (3) The Board of Governors of the State University System
5082 shall adopt rules to implement this section and shall develop
5083 substitute admissions requirements where appropriate.

5084 Section 114. Subsections (3), (8), (9), and (11) of section
5085 1007.27, Florida Statutes, are amended to read:

5086 1007.27 Articulated acceleration mechanisms.--

5087 (3) To maximize the use of funds appropriated by the
5088 Legislature to provide Florida residents with affordable access
5089 to postsecondary education programs at public postsecondary
5090 educational institutions, each community college and state
5091 university must award credit for specific courses for which
5092 competency has been demonstrated by successful passage of one of
5093 the examinations in subsection (2) unless the award of credit
5094 duplicates credit already awarded. Community colleges and state
5095 universities may not exempt students from courses without the
5096 award of credit if competencies have been so demonstrated.

5097 (8) The International Baccalaureate Program shall be the
5098 curriculum in which eligible secondary students are enrolled in a
5099 program of studies offered through the International
5100 Baccalaureate Program administered by the International
5101 Baccalaureate Office. The State Board of Education shall
5102 ~~establish rules which~~ specify in the statewide articulation
5103 agreement the cutoff scores and International Baccalaureate
5104 Examinations which will be used to grant postsecondary credit at

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5105 community colleges and universities. Any changes to the cutoff
 5106 scores ~~such rules~~, which have the effect of raising the required
 5107 cutoff score or of changing the International Baccalaureate
 5108 Examinations which will be used to grant postsecondary credit,
 5109 shall only apply to students taking International Baccalaureate
 5110 Examinations after such changes ~~rules~~ are adopted by the State
 5111 Board of Education. Students shall be awarded a maximum of 30
 5112 semester credit hours pursuant to this subsection. The specific
 5113 course for which a student receives such credit shall be
 5114 determined by the department. Students enrolled pursuant to this
 5115 subsection shall be exempt from the payment of any fees for
 5116 administration of the examinations regardless of whether or not
 5117 the student achieves a passing score on the examination.

5118 (9) The Advanced International Certificate of Education
 5119 Program and the International General Certificate of Secondary
 5120 Education (pre-AICE) Program shall be the curricula in which
 5121 eligible secondary students are enrolled in programs of study
 5122 offered through the Advanced International Certificate of
 5123 Education Program or the International General Certificate of
 5124 Secondary Education (pre-AICE) Program administered by the
 5125 University of Cambridge Local Examinations Syndicate. The State
 5126 Board of Education shall ~~establish rules which~~ specify in the
 5127 statewide articulation agreement the cutoff scores and Advanced
 5128 International Certificate of Education examinations which will be
 5129 used to grant postsecondary credit at community colleges and
 5130 universities. Any changes to the cutoff scores ~~such rules~~, which
 5131 have the effect of raising the required cutoff score or of
 5132 changing the Advanced International Certification of Education
 5133 examinations which will be used to grant postsecondary credit,

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5134 shall apply to students taking Advanced International Certificate
 5135 of Education examinations after such changes ~~rules~~ are adopted by
 5136 the State Board of Education. Students shall be awarded a maximum
 5137 of 30 semester credit hours pursuant to this subsection. The
 5138 specific course for which a student receives such credit shall be
 5139 determined by the community college or university that accepts
 5140 the student for admission. Students enrolled in either program of
 5141 study pursuant to this subsection shall be exempt from the
 5142 payment of any fees for administration of the examinations
 5143 regardless of whether the student achieves a passing score on the
 5144 examination.

5145 ~~(11)(a) The State Board of Education shall conduct a review~~
 5146 ~~of the extent to which the acceleration mechanisms authorized by~~
 5147 ~~this section are currently utilized by school districts and~~
 5148 ~~public postsecondary educational institutions and shall submit a~~
 5149 ~~report to the Governor and the Legislature by December 31, 2003.~~

5150 ~~(b) The report must include a summary of ongoing activities~~
 5151 ~~and a plan to increase and enhance the use of acceleration~~
 5152 ~~mechanisms as a way to shorten the length of time as well as the~~
 5153 ~~funding required for a student, including a student with a~~
 5154 ~~documented disability, to obtain a postsecondary degree.~~

5155 ~~(c) The review and plan shall address, but are not limited~~
 5156 ~~to, the following issues:~~

5157 ~~1. The manner in which students, including students with~~
 5158 ~~documented disabilities, are advised regarding the availability~~
 5159 ~~of acceleration mechanism options.~~

5160 ~~2. The availability of acceleration mechanism options to~~
 5161 ~~eligible students, including students with documented~~
 5162 ~~disabilities, who wish to participate.~~

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3. ~~The grading practices, including weighting of courses, of school districts and public postsecondary educational institutions with regard to credit earned through acceleration mechanisms.~~

4. ~~The extent to which credit earned through an acceleration mechanism is used to meet the general education requirements of a public postsecondary educational institution.~~

5. ~~The extent to which the secondary instruction associated with acceleration mechanism options could be offered at sites other than public K through 12 school sites to assist in meeting class size reduction needs.~~

6. ~~The manner in which funding for instruction associated with acceleration mechanism options is provided.~~

7. ~~The feasibility of providing students, including students with documented disabilities, the option of choosing Advanced Placement credit or College Level Examination Program (CLEP) credit as an alternative to dual enrollment credit upon completion of a dual enrollment course.~~

Section 115. Section 1007.28, Florida Statutes, is amended to read:

1007.28 Computer-assisted student advising system.--The Department ~~State Board~~ of Education shall establish and maintain ~~within the Department of Education~~ a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation. ~~It is intended that an advising system be the primary advising and tracking tool for students enrolled in public postsecondary educational institutions and must be~~ accessible to all Florida students. The state universities and

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5192 community colleges shall interface institutional systems with the
 5193 computer-assisted advising system required by this section. The
 5194 State Board of Education, in collaboration with the Board of
 5195 Governors of the State University System, shall prescribe by rule
 5196 the roles and responsibilities of the department, the state
 5197 universities, and the community colleges in the design,
 5198 implementation, promotion, development, and analysis of the
 5199 system. The system shall consist of a degree audit and an
 5200 articulation component that includes the following
 5201 characteristics:

5202 (1) The system shall constitute an integral part of the
 5203 process of advising students and assisting them in course
 5204 selection. The system shall be accessible to students in the
 5205 following ways:

5206 (a) A student must be able to access the system, at any
 5207 time, to identify course options that will meet the requirements
 5208 of a selected path toward a degree.

5209 (b) A status report from the system shall be generated and
 5210 sent with each grade report to each student enrolled in public
 5211 postsecondary educational institutions with a declared major.

5212 (2) The system shall be an integral part of the
 5213 registration process at public postsecondary educational
 5214 institutions. As part of the process, the system shall:

5215 (a) Provide reports that document each student's status
 5216 toward completion of a degree.

5217 (b) Verify that a student has completed requirements for
 5218 graduation.

5219 (3) The system must provide students information related to
 5220 career descriptions and corresponding educational requirements,

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5221 admissions requirements, and available sources of student
 5222 financial assistance. Such advising must enable students to
 5223 examine their interests and aptitudes for the purpose of
 5224 curricular and career planning.

5225 (4) The system must provide management information to
 5226 decisionmakers, including information relating student enrollment
 5227 patterns and course demands to plans for corresponding course
 5228 offerings and information useful in planning the student
 5229 registration process.

5230 Section 116. Subsection (3) of section 1007.33, Florida
 5231 Statutes, is amended to read:

5232 1007.33 Site-determined baccalaureate degree access.--

5233 (3) A community college may develop a proposal to deliver
 5234 specified baccalaureate degree programs in its district to meet
 5235 local workforce needs. The proposal must be submitted to the
 5236 State Board of Education for approval. The community college's
 5237 proposal must include the following information:

5238 (a) Demand for the baccalaureate degree program is
 5239 identified by the workforce development board, local businesses
 5240 and industry, local chambers of commerce, and potential students.

5241 (b) Unmet need for graduates of the proposed degree program
 5242 is substantiated.

5243 (c) The community college has the facilities and academic
 5244 resources to deliver the program.

5245

5246 ~~The proposal must be submitted to the Council for Education~~
 5247 ~~Policy Research and Improvement for review and comment. Upon~~
 5248 approval of the State Board of Education for the specific degree
 5249 program or programs, the community college shall pursue regional

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5250 accreditation by the Commission on Colleges of the Southern
5251 Association of Colleges and Schools. Any additional baccalaureate
5252 degree programs the community college wishes to offer must be
5253 approved by the State Board of Education.

5254 Section 117. Subsections (2), (4), (8), and (9) of section
5255 1008.29, Florida Statutes, are amended to read:

5256 1008.29 College-level communication and mathematics skills
5257 examination (CLAST).--

5258 (2) To provide accountability for funds expended by public
5259 postsecondary educational institutions on college-level
5260 communication and mathematics instruction, public postsecondary
5261 educational institutions shall administer a minimum of two
5262 administrations, one of which may consist of an alternative
5263 administration, of the college-level communication and
5264 computation skills examination per academic term. Such
5265 administrations shall be available to all lower-division students
5266 seeking associate in arts or baccalaureate degrees upon
5267 completion of at least 18 semester hours or the equivalent.
5268 Public postsecondary educational institutions shall report at a
5269 minimum the examination scores of all students tested at each
5270 administration of the college-level communication and computation
5271 skills examination.

5272 (4) The State Board of Education, in consultation with the
5273 Board of Governors of the State University System ~~by rule~~, shall
5274 set the minimum scores that constitute successful completion of
5275 the examination. In establishing the minimum scores that
5276 constitute successful completion of the examination, the boards
5277 ~~State Board of Education~~ shall consider any possible negative
5278 impact of the tests on minority students. Determinations

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5279 regarding a student's successful completion of the examination
5280 shall be based on the minimum standards ~~prescribed by rule~~ for
5281 the date the student initially takes the examination.

5282 (8)(a) The State Board of Education, by rule, shall
5283 establish fees for the administration of the examination by
5284 community colleges at times other than regularly scheduled dates
5285 to accommodate examinees who are unable to be tested on those
5286 dates. The board shall establish the conditions under which
5287 examinees may be admitted to the special administrations.

5288 (b) The Board of Governors of the State University System
5289 may establish fees for the administration of the examination by
5290 state universities at times other than regularly scheduled dates
5291 to accommodate examinees who are unable to be tested on those
5292 dates. The board may establish the conditions under which
5293 examinees may be admitted to the special administrations.

5294 (9) Any student fulfilling one or both of the following
5295 requirements before completion of associate in arts degree
5296 requirements or baccalaureate degree requirements is exempt from
5297 the testing requirements of this section:

5298 (a) Achieves a score that meets or exceeds a minimum score
5299 on a nationally standardized examination, as established by the
5300 State Board of Education in consultation with the Board of
5301 Governors of the State University System; or

5302 (b) Demonstrates successful remediation of any academic
5303 deficiencies identified by the college placement test and
5304 achieves a cumulative grade point average of 2.5 or above, on a
5305 4.0 scale, in postsecondary-level coursework identified by the
5306 State Board of Education in consultation with the Board of
5307 Governors of the State University System. The Department of

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5308 Education shall specify the means by which a student may
5309 demonstrate successful remediation.

5310

5311 Any student denied a degree prior to January 1, 1996, based on
5312 the failure of at least one subtest of the CLAST may use either
5313 of the alternatives specified in this subsection for receipt of a
5314 degree if such student meets all degree program requirements at
5315 the time of application for the degree under the exemption
5316 provisions of this subsection. This section does not require a
5317 student to take the CLAST before being given the opportunity to
5318 use any of the alternatives specified in this subsection. The
5319 exemptions provided herein do not apply to requirements for
5320 certification as provided in s. 1012.56.

5321 Section 118. Subsections (1) and (4) of section 1008.30,
5322 Florida Statutes, are amended to read:

5323 1008.30 Common placement testing for public postsecondary
5324 education.--

5325 (1) The State Board of Education shall develop and
5326 implement a common placement test for the purpose of assessing
5327 the basic computation and communication skills of students who
5328 intend to enter a degree program at any public postsecondary
5329 educational institution. ~~The State Board of Education shall adopt~~
5330 ~~rules which enable~~ Public postsecondary educational institutions
5331 shall provide to implement appropriate modifications of the test
5332 instruments or test procedures for students with disabilities.

5333 (4)(a) Public postsecondary educational institution
5334 students who have been identified as requiring additional
5335 preparation pursuant to subsection (1) shall enroll in college-
5336 preparatory or other adult education pursuant to s. 1004.93 in

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5337 community colleges to develop needed college-entry skills. These
 5338 students shall be permitted to take courses within their degree
 5339 program concurrently in other curriculum areas for which they are
 5340 qualified while enrolled in college-preparatory instruction
 5341 courses. A student enrolled in a college-preparatory course may
 5342 concurrently enroll only in college credit courses that do not
 5343 require the skills addressed in the college-preparatory course.
 5344 The State Board of Education, in consultation with the Board of
 5345 Governors of the State University System, shall specify the
 5346 college credit courses that are acceptable for students enrolled
 5347 in each college-preparatory skill area, ~~pursuant to s.~~
 5348 ~~1001.02(7)(g).~~ A student who wishes to earn an associate in arts
 5349 or a baccalaureate degree, but who is required to complete a
 5350 college-preparatory course, must successfully complete the
 5351 required college-preparatory studies by the time the student has
 5352 accumulated 12 hours of lower-division college credit degree
 5353 coursework; however, a student may continue enrollment in degree-
 5354 earning coursework provided the student maintains enrollment in
 5355 college-preparatory coursework for each subsequent semester until
 5356 college-preparatory coursework requirements are completed, and
 5357 the student demonstrates satisfactory performance in degree-
 5358 earning coursework. A passing score on a standardized,
 5359 institutionally developed test must be achieved before a student
 5360 is considered to have met basic computation and communication
 5361 skills requirements; however, no student shall be required to
 5362 retake any test or subtest that was previously passed by said
 5363 student. Credit awarded for college-preparatory instruction may
 5364 not be counted toward fulfilling the number of credits required
 5365 for a degree.

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(b) ~~A~~ The university board of trustees may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.

Section 119. Paragraphs (d) and (e) of subsection (1), paragraphs (b) and (c) of subsection (2), and subsection (3) of section 1008.31, Florida Statutes, are amended to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and systemwide measures.--

(1) LEGISLATIVE INTENT.--It is the intent of the Legislature that:

(d) The State Board of Education and the Board of Governors of the State University System recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e) 1. The State Board of Education establish performance measures and set performance standards for individual ~~components~~ ~~of the public education system, including individual~~ schools and

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5394 community colleges ~~postsecondary educational institutions~~, with
 5395 measures and standards based primarily on student achievement.
 5396 2. The Board of Governors of the State University System
 5397 establish performance measures and set performance standards for
 5398 individual state universities.
 5399 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--
 5400 (b) The process ~~State Board of Education shall adopt~~
 5401 ~~guiding principles~~ for establishing state and sector-specific
 5402 standards and measures must be:
 5403 1. Focused on student success.
 5404 2. Addressable through policy and program changes.
 5405 3. Efficient and of high quality.
 5406 4. Measurable over time.
 5407 5. Simple to explain and display to the public.
 5408 6. Aligned with other measures and other sectors to support
 5409 a coordinated K-20 education system.
 5410 (c) The Department ~~State Board~~ of Education shall maintain
 5411 an accountability system that measures student progress toward
 5412 the following goals:
 5413 1. Highest student achievement, as indicated by evidence of
 5414 student learning gains at all levels ~~measured by: student FCAT~~
 5415 ~~performance and annual learning gains; the number and percentage~~
 5416 ~~of schools that improve at least one school performance grade~~
 5417 ~~designation or maintain a school performance grade designation of~~
 5418 ~~"A" pursuant to s. 1008.34; graduation or completion rates at all~~
 5419 ~~learning levels; and other measures identified in law or rule.~~
 5420 2. Seamless articulation and maximum access, as measured by
 5421 evidence of progression, readiness, and access by targeted groups
 5422 of students identified by the Commissioner of Education: ~~the~~

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5423 ~~percentage of students who demonstrate readiness for the~~
 5424 ~~educational level they are entering, from kindergarten through~~
 5425 ~~postsecondary education and into the workforce; the number and~~
 5426 ~~percentage of students needing remediation; the percentage of~~
 5427 ~~Floridians who complete associate, baccalaureate, graduate,~~
 5428 ~~professional, and postgraduate degrees; the number and percentage~~
 5429 ~~of credits that articulate; the extent to which each set of exit-~~
 5430 ~~point requirements matches the next set of entrance point~~
 5431 ~~requirements; the degree to which underserved populations access~~
 5432 ~~educational opportunity; the extent to which access is provided~~
 5433 ~~through innovative educational delivery strategies; and other~~
 5434 ~~measures identified in law or rule.~~

5435 3. Skilled workforce and economic development, as measured
 5436 by evidence of employment and earnings: ~~the number and percentage~~
 5437 ~~of graduates employed in their areas of preparation; the~~
 5438 ~~percentage of Floridians with high school diplomas and~~
 5439 ~~postsecondary education credentials; the percentage of business~~
 5440 ~~and community members who find that Florida's graduates possess~~
 5441 ~~the skills they need; national rankings; and other measures~~
 5442 ~~identified in law or rule.~~

5443 4. Quality efficient services, as measured by evidence of
 5444 return on investment: ~~cost per completer or graduate; average~~
 5445 ~~cost per noncompleter at each educational level; cost disparity~~
 5446 ~~across institutions offering the same degrees; the percentage of~~
 5447 ~~education customers at each educational level who are satisfied~~
 5448 ~~with the education provided; and other measures identified in law~~
 5449 ~~or rule.~~

5450 5. Other goals as identified by law or rule.

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5451 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE
5452 DATA COLLECTION.--To provide data required to implement education
5453 performance accountability measures in state and federal law, the
5454 Commissioner of Education shall initiate and maintain strategies
5455 to improve data quality and timeliness.

5456 (a) School districts and public postsecondary educational
5457 institutions shall maintain information systems that will provide
5458 the State Board of Education, the Board of Governors of the State
5459 University System, and the Legislature with information and
5460 reports necessary to address the specifications of the
5461 accountability system. ~~The State Board of Education shall~~
5462 ~~determine the standards for the required data.~~ The level of
5463 comprehensiveness and quality shall be no less than that which
5464 was available as of June 30, 2001.

5465 (b) The Commissioner of Education shall determine the
5466 standards for the required data, monitor data quality, and
5467 measure improvements. The commissioner shall report annually to
5468 the State Board of Education, the Board of Governors of the State
5469 University System, the President of the Senate, and the Speaker
5470 of the House of Representatives data quality indicators and
5471 ratings for all school districts and public postsecondary
5472 educational institutions.

5473 (4) REPORTING OR DATA COLLECTION.--The department shall
5474 coordinate with school districts in developing any reporting or
5475 data collection requirements to address the specifications of the
5476 accountability system. Before establishing any new reporting or
5477 data collection requirements, the department shall utilize
5478 existing data being collected to reduce duplication and minimize
5479 paperwork.

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5480 Section 120. Section 1008.32, Florida Statutes, is amended
5481 to read:

5482 1008.32 State Board of Education oversight enforcement
5483 authority.--The State Board of Education shall oversee the
5484 performance of district school boards and community college
5485 boards of trustees ~~public postsecondary educational institution~~
5486 ~~boards~~ in enforcement of all laws and rules. District school
5487 boards and community college boards of trustees ~~public~~
5488 ~~postsecondary educational institution boards~~ shall be primarily
5489 responsible for compliance with law and state board rule.

5490 (1) In order to ensure compliance with law or state board
5491 rule, the State Board of Education shall have the authority to
5492 request and receive information, data, and reports from school
5493 districts and community colleges ~~public postsecondary educational~~
5494 ~~institutions~~. District school superintendents and community
5495 college ~~public postsecondary educational institution~~ presidents
5496 are responsible for the accuracy of the information and data
5497 reported to the state board.

5498 (2) The Commissioner of Education may investigate
5499 allegations of noncompliance with law or state board rule and
5500 determine probable cause. The commissioner shall report
5501 determinations of probable cause to the State Board of Education
5502 which shall require the district school board or community
5503 college board of trustees ~~public postsecondary educational~~
5504 ~~institution board~~ to document compliance with law or state board
5505 rule.

5506 (3) If the district school board or community college board
5507 of trustees ~~public postsecondary educational institution board~~

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5508 cannot satisfactorily document compliance, the State Board of
5509 Education may order compliance within a specified timeframe.

5510 (4) If the State Board of Education determines that a
5511 district school board or community college board of trustees
5512 ~~public postsecondary educational institution board~~ is unwilling
5513 or unable to comply with law or state board rule within the
5514 specified time, the state board shall have the authority to
5515 initiate any of the following actions:

5516 (a) Report to the Legislature that the school district or
5517 community college ~~public postsecondary educational institution~~
5518 has been unwilling or unable to comply with law or state board
5519 rule and recommend action to be taken by the Legislature.

5520 (b) Reduce the discretionary lottery appropriation until
5521 the school district or community college ~~public postsecondary~~
5522 ~~education institution~~ complies with the law or state board rule.

5523 (c) Withhold the transfer of state funds, discretionary
5524 grant funds, or any other funds specified as eligible for this
5525 purpose by the Legislature until the school district or community
5526 college ~~public postsecondary educational institution~~ complies
5527 with the law or state board rule.

5528 (d) Declare the school district or community college ~~public~~
5529 ~~postsecondary educational institution~~ ineligible for competitive
5530 grants.

5531 (e) Require monthly or periodic reporting on the situation
5532 related to noncompliance until it is remedied.

5533 (5) Nothing in this section shall be construed to create a
5534 private cause of action or create any rights for individuals or
5535 entities in addition to those provided elsewhere in law or rule.

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5536 Section 121. Section 1008.321, Florida Statutes, is created
5537 to read:

5538 1008.321 Board of Governors of the State University System
5539 oversight enforcement authority.--The Board of Governors of the
5540 State University System shall oversee the performance of state
5541 university boards of trustees in enforcement of all laws, rules,
5542 regulations, and requirements. State university boards of
5543 trustees shall be primarily responsible for compliance with laws,
5544 rules, regulations, and requirements.

5545 (1) In order to ensure compliance, the Board of Governors
5546 shall have the authority to request and receive information,
5547 data, and reports from state universities. State university
5548 presidents are responsible for the accuracy of the information
5549 and data reported to the Board of Governors.

5550 (2) The Board of Governors may investigate allegations of
5551 noncompliance and determine probable cause. The Board of
5552 Governors may require the state university board of trustees to
5553 document compliance.

5554 (3) If the state university board of trustees cannot
5555 satisfactorily document compliance, the Board of Governors may
5556 order compliance within a specified timeframe.

5557 (4) If the Board of Governors determines that a state
5558 university board of trustees is unwilling or unable to comply
5559 within the specified time, the Board of Governors shall have the
5560 authority to initiate any of the following actions:

5561 (a) Report to the Legislature that the state university has
5562 been unwilling or unable to comply and recommend action to be
5563 taken by the Legislature.

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(b) Reduce the discretionary lottery appropriation until the state university complies.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the state university complies.

(d) Declare the state university ineligible for competitive grants.

(e) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 122. Paragraphs (e), (f), (g), (h), and (i) of subsection (8) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.--

(8) As a part of the system of educational accountability, the Department of Education shall:

(e) Maintain a listing of college-level communication and mathematics skills defined pursuant to s. 1008.29 ~~by the State Board of Education~~ as being associated with successful student performance through the baccalaureate level and submit it ~~the same~~ to the State Board of Education and the Board of Governors of the State University System for approval.

(f) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit it

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5592 | ~~the same~~ to the State Board of Education and the Board of
5593 | Governors of the State University System for approval.

5594 | (g) Maintain for the information of the State Board of
5595 | Education, the Board of Governors of the State University System,
5596 | and the Legislature a file of data to reflect achievement of
5597 | college-level communication and mathematics competencies by
5598 | students in state universities and community colleges.

5599 | (h) Develop or contract for, and submit to the State Board
5600 | of Education and the Board of Governors of the State University
5601 | System for approval, tests which measure and diagnose student
5602 | achievement of college-level communication and mathematics
5603 | skills. Any tests and related documents developed are exempt from
5604 | the provisions of s. 119.07(1). The commissioner shall maintain
5605 | statewide responsibility for the administration of such tests and
5606 | may assign administrative responsibilities for the tests to any
5607 | state university or community college. The state board, upon
5608 | recommendation of the commissioner, may enter into contracts for
5609 | such services beginning in one fiscal year and continuing into
5610 | the next year which are paid from the appropriation for either or
5611 | both fiscal years.

5612 | (i) Perform any other functions that may be involved in
5613 | educational planning, research, and evaluation or that may be
5614 | required by the commissioner, the State Board of Education, the
5615 | Board of Governors of the State University System, or law.

5616 | Section 123. Subsections (1) and (2) of section 1008.37,
5617 | Florida Statutes, are amended to read:

5618 | 1008.37 Postsecondary feedback of information to high
5619 | schools.--

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5620 (1) ~~The State Board of Education shall adopt rules that~~
 5621 ~~require the~~ Commissioner of Education shall ~~to~~ report to the
 5622 State Board of Education, the Board of Governors of the State
 5623 University System, the Legislature, and the district school
 5624 boards on the performance of each first-time-in-postsecondary
 5625 education student from each public high school in this state who
 5626 is enrolled in a public postsecondary institution or public
 5627 career center. Such reports must be based on information
 5628 databases maintained by the Department of Education. In addition,
 5629 the public postsecondary educational institutions and career
 5630 centers shall provide district school boards access to
 5631 information on student performance in regular and preparatory
 5632 courses and shall indicate students referred for remediation
 5633 pursuant to s. 1004.91 or s. 1008.30.

5634 (2) The Commissioner of Education shall report, by high
 5635 school, to the State Board of Education, the Board of Governors
 5636 of the State University System, and the Legislature, no later
 5637 than November 30 of each year, on the number of prior year
 5638 Florida high school graduates who enrolled for the first time in
 5639 public postsecondary education in this state during the previous
 5640 summer, fall, or spring term, indicating the number of students
 5641 whose scores on the common placement test indicated the need for
 5642 remediation through college-preparatory or vocational-preparatory
 5643 instruction pursuant to s. 1004.91 or s. 1008.30.

5644 Section 124. Section 1008.38, Florida Statutes, is amended
 5645 to read:

5646 1008.38 Articulation accountability process.--The State
 5647 Board of Education, in consultation with the Board of Governors
 5648 of the State University System, shall develop articulation

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5649 accountability measures which assess the status of systemwide
5650 articulation processes authorized under s. 1007.23 and. ~~The State~~
5651 ~~Board of Education shall~~ establish an articulation accountability
5652 process which at a minimum shall address:

5653 (1) The impact of articulation processes on ensuring
5654 educational continuity and the orderly and unobstructed
5655 transition of students between public secondary and postsecondary
5656 education systems and facilitating the transition of students
5657 between the public and private sectors.

5658 (2) The adequacy of preparation of public secondary
5659 students to smoothly articulate to a public postsecondary
5660 institution.

5661 (3) The effectiveness of articulated acceleration
5662 mechanisms available to secondary students.

5663 (4) The smooth transfer of community college associate in
5664 arts degree graduates to a state university.

5665 (5) An examination of degree requirements that exceed the
5666 parameters of 60 credit hours for an associate degree and 120
5667 hours for a baccalaureate degree in public postsecondary
5668 programs.

5669 (6) The relationship between the College Level Academic
5670 Skills Test Program and articulation to the upper division in
5671 public postsecondary institutions.

5672 Section 125. Paragraph (h) of subsection (1) of section
5673 1008.45, Florida Statutes, is amended to read:

5674 1008.45 Community college accountability process.--

5675 (1) It is the intent of the Legislature that a management
5676 and accountability process be implemented which provides for the
5677 systematic, ongoing improvement and assessment of the improvement

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5678 of the quality and efficiency of the Florida community colleges.
5679 Accordingly, the State Board of Education and the community
5680 college boards of trustees shall develop and implement an
5681 accountability plan to improve and evaluate the instructional and
5682 administrative efficiency and effectiveness of the Florida
5683 Community College System. This plan shall be designed in
5684 consultation with staff of the Governor and the Legislature and
5685 must address the following issues:

5686 (h) Other measures ~~as identified by the Council for~~
5687 ~~Education Policy Research and Improvement~~ and approved by the
5688 State Board of Education.

5689 Section 126. Section 1008.46, Florida Statutes, is amended
5690 to read:

5691 1008.46 State university accountability process.--It is the
5692 intent of the Legislature that an accountability process be
5693 implemented that provides for the systematic, ongoing evaluation
5694 of quality and effectiveness of state universities. It is further
5695 the intent of the Legislature that this accountability process
5696 monitor performance at the system level in each of the major
5697 areas of instruction, research, and public service, while
5698 recognizing the differing missions of each of the state
5699 universities. The accountability process shall provide for the
5700 adoption of systemwide performance standards and performance
5701 goals for each standard identified through a collaborative effort
5702 involving state universities, the Board of Governors of the State
5703 University System, the Legislature, and the Governor's Office.
5704 These standards and goals shall be consistent with s. 216.011(1)
5705 to maintain congruity with the performance-based budgeting
5706 process. This process requires that university accountability

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reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the state universities.

(1) By December 31 of each year, the Board of Governors of the State University System ~~State Board of Education~~ shall submit an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of Program Policy Analysis and Government Accountability, and the Legislature.

(2) The Board of Governors of the State University System ~~State Board of Education~~ shall recommend in the annual accountability report any appropriate modifications to this section.

Section 127. Subsection (2) of section 1009.01, Florida Statutes, is amended to read:

1009.01 Definitions.--The term:

(2) "Out-of-state fee" means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate pursuant to s. 1009.21 ~~non-Florida student as defined in rules of the State Board of Education~~. A charge for any other purpose shall not be included within this fee.

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Section 128. Section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes and student eligibility for state financial aid awards and tuition assistance grants.--Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities and for the purpose of determining student eligibility for state financial aid awards and tuition assistance grants.

(1) As used in this section, the term:

(a) ~~The term~~ "Dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

(b) "Initial enrollment" means the first day of class at an institution of higher education.

~~(c)(b)~~ The term "Institution of higher education" means any public community college or state university or any institution eligible to participate in a program established pursuant to s. 1009.50, s. 1009.51, s. 10009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, s. 1009.89, or s. 1009.891.

~~(d)(e)~~ A "Legal resident" or "resident" means ~~is~~ a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

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5763 (e) "Nonresident for tuition purposes" means a person who
5764 does not qualify for the in-state tuition rate.

5765 (f)(d) The term "Parent" means the natural or adoptive
5766 parent or legal guardian of a dependent child.

5767 (g)(e) A "Resident for tuition purposes" means is a person
5768 who qualifies as provided in subsection (2) for the in-state
5769 tuition rate; a "nonresident for tuition purposes" is a person
5770 who does not qualify for the in-state tuition rate.

5771 (2)(a) To qualify as a resident for tuition purposes:

5772 1. A person or, if that person is a dependent child, his or
5773 her parent or parents must have established legal residence in
5774 this state and must have maintained legal residence in this state
5775 for at least 12 consecutive months immediately prior to his or
5776 her initial enrollment in an institution of higher education
5777 qualification. Legal residence must be established by written or
5778 electronic verification that includes two or more of the
5779 following Florida documents that demonstrate continuous residence
5780 in the state for at least 12 consecutive months prior to the
5781 student's initial enrollment in an institution of higher
5782 education: a voter's registration card; a driver's license; a
5783 vehicle registration; a declaration of domicile; proof of
5784 purchase of a permanent home; transcripts from a Florida school
5785 for multiple years; or proof of permanent full-time employment.

5786 2. Every applicant for admission to an institution of
5787 higher education shall be required to make a statement as to his
5788 or her length of residence in the state and, further, shall
5789 establish that his or her presence or, if the applicant is a
5790 dependent child, the presence of his or her parent or parents in
5791 the state currently is, and during the requisite 12-month

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5792 | qualifying period was, for the purpose of maintaining a bona fide
5793 | domicile, rather than for the purpose of maintaining a mere
5794 | temporary residence or abode incident to enrollment in an
5795 | institution of higher education.

5796 | (b) However, with respect to a dependent child living with
5797 | an adult relative other than the child's parent, such child may
5798 | qualify as a resident for tuition purposes if the adult relative
5799 | is a legal resident who has maintained legal residence in this
5800 | state for at least 12 consecutive months immediately prior to the
5801 | child's initial enrollment in an institution of higher education
5802 | ~~qualification~~, provided the child has resided continuously with
5803 | such relative for the 5 years immediately prior to the child's
5804 | initial enrollment ~~qualification~~, during which time the adult
5805 | relative has exercised day-to-day care, supervision, and control
5806 | of the child.

5807 | (c) The legal residence of a dependent child whose parents
5808 | are divorced, separated, or otherwise living apart will be deemed
5809 | to be this state if either parent is a legal resident of this
5810 | state, regardless of which parent is entitled to claim, and does
5811 | in fact claim, the minor as a dependent pursuant to federal
5812 | individual income tax provisions.

5813 | (d) A person who is classified as a nonresident for tuition
5814 | purposes may become eligible for reclassification as a resident
5815 | for tuition purposes if that person or, if that person is a
5816 | dependent child, his or her parent presents documentation that
5817 | supports permanent residency in this state rather than temporary
5818 | residency for the purpose of pursuing an education, such as
5819 | documentation of full-time permanent employment for the prior 12
5820 | months or the purchase of a home in this state and residence

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5821 therein for the prior 12 months. If a person who is a dependent
5822 child and his or her parent move to this state while such child
5823 is a high school student and the child graduates from a high
5824 school in this state, the child may become eligible for
5825 reclassification as a resident for tuition purposes when the
5826 parent qualifies for permanent residency.

5827 (3)(a) An individual shall not be classified as a resident
5828 for tuition purposes and, thus, shall not be eligible to receive
5829 the in-state tuition rate until he or she has provided such
5830 evidence related to legal residence and its duration or, if that
5831 individual is a dependent child, documentation of his or her
5832 parent's legal residence and its duration, as well as
5833 documentation confirming his or her status as a dependent child,
5834 as ~~may be~~ required by law and by officials of the institution of
5835 higher education from which he or she seeks the in-state tuition
5836 rate. The documentation shall provide clear and convincing
5837 evidence that residency in this state was for a minimum of 12
5838 months prior to the student's initial enrollment in an
5839 institution of higher education. No single piece of evidence
5840 shall be conclusive.

5841 (b) Each institution of higher education must:

5842 1. Determine whether an applicant who has been granted
5843 admission to that institution is a dependent child.

5844 2. Affirmatively determine that an applicant who has been
5845 granted admission to that institution as a Florida resident meets
5846 the residency requirements of this section at the time of initial
5847 enrollment

5848 (4) With respect to a dependent child, the legal residence
5849 of such individual's parent or parents is prima facie evidence of

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5850 the individual's legal residence, which evidence may be
 5851 reinforced or rebutted, relative to the age and general
 5852 circumstances of the individual, by the other evidence of legal
 5853 residence required of or presented by the individual. However,
 5854 the legal residence of an individual whose parent or parents are
 5855 domiciled outside this state is not prima facie evidence of the
 5856 individual's legal residence if that individual has lived in this
 5857 state for 5 consecutive years prior to enrolling or reregistering
 5858 at the institution of higher education at which resident status
 5859 for tuition purposes is sought.

5860 (5) In making a domiciliary determination related to the
 5861 classification of a person as a resident or nonresident for
 5862 tuition purposes, the domicile of a married person, irrespective
 5863 of sex, shall be determined, as in the case of an unmarried
 5864 person, by reference to all relevant evidence of domiciliary
 5865 intent. For the purposes of this section:

5866 (a) A person shall not be precluded from establishing or
 5867 maintaining legal residence in this state and subsequently
 5868 qualifying or continuing to qualify as a resident for tuition
 5869 purposes solely by reason of marriage to a person domiciled
 5870 outside this state, even when that person's spouse continues to
 5871 be domiciled outside of this state, provided such person
 5872 maintains his or her legal residence in this state.

5873 (b) A person shall not be deemed to have established or
 5874 maintained a legal residence in this state and subsequently to
 5875 have qualified or continued to qualify as a resident for tuition
 5876 purposes solely by reason of marriage to a person domiciled in
 5877 this state.

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5878 (c) In determining the domicile of a married person,
5879 irrespective of sex, the fact of the marriage and the place of
5880 domicile of such person's spouse shall be deemed relevant
5881 evidence to be considered in ascertaining domiciliary intent.

5882 (6) Any nonresident person, irrespective of sex, who
5883 marries a legal resident of this state or marries a person who
5884 later becomes a legal resident may, upon becoming a legal
5885 resident of this state, accede to the benefit of the spouse's
5886 immediately precedent duration as a legal resident for purposes
5887 of satisfying the 12-month durational requirement of this
5888 section.

5889 (7) A person shall not lose his or her resident status for
5890 tuition purposes solely by reason of serving, or, if such person
5891 is a dependent child, by reason of his or her parent's or
5892 parents' serving, in the Armed Forces outside this state.

5893 (8) A person who has been properly classified as a resident
5894 for tuition purposes but who, while enrolled in an institution of
5895 higher education in this state, loses his or her resident tuition
5896 status because the person or, if he or she is a dependent child,
5897 the person's parent or parents establish domicile or legal
5898 residence elsewhere shall continue to enjoy the in-state tuition
5899 rate for a statutory grace period, which period shall be measured
5900 from the date on which the circumstances arose that culminated in
5901 the loss of resident tuition status and shall continue for 12
5902 months. However, if the 12-month grace period ends during a
5903 semester or academic term for which such former resident is
5904 enrolled, such grace period shall be extended to the end of that
5905 semester or academic term.

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5906 (9) Any person who ceases to be enrolled at or who
5907 graduates from an institution of higher education while
5908 classified as a resident for tuition purposes and who
5909 subsequently abandons his or her domicile in this state shall be
5910 permitted to reenroll at an institution of higher education in
5911 this state as a resident for tuition purposes without the
5912 necessity of meeting the 12-month durational requirement of this
5913 section if that person has reestablished his or her domicile in
5914 this state within 12 months of such abandonment and continuously
5915 maintains the reestablished domicile during the period of
5916 enrollment. The benefit of this subsection shall not be accorded
5917 more than once to any one person.

5918 (10) The following persons shall be classified as residents
5919 for tuition purposes:

5920 (a) Active duty members of the Armed Services of the United
5921 States residing or stationed in this state, their spouses, and
5922 dependent children, and active members of the Florida National
5923 Guard who qualify under s. 250.10(7) and (8) for the tuition
5924 assistance program.

5925 (b) Active duty members of the Armed Services of the United
5926 States and their spouses and dependents attending a public
5927 community college or state university within 50 miles of the
5928 military establishment where they are stationed, if such military
5929 establishment is within a county contiguous to Florida.

5930 (c) United States citizens living on the Isthmus of Panama,
5931 who have completed 12 consecutive months of college work at the
5932 Florida State University Panama Canal Branch, and their spouses
5933 and dependent children.

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5934 (d) Full-time instructional and administrative personnel
5935 employed by state public schools, community colleges, and
5936 institutions of higher education, as defined in s. 1000.04, and
5937 their spouses and dependent children.

5938 (e) Students from Latin America and the Caribbean who
5939 receive scholarships from the federal or state government. Any
5940 student classified pursuant to this paragraph shall attend, on a
5941 full-time basis, a Florida institution of higher education.

5942 (f) Southern Regional Education Board's Academic Common
5943 Market graduate students attending Florida's state universities.

5944 (g) Full-time employees of state agencies or political
5945 subdivisions of the state when the student fees are paid by the
5946 state agency or political subdivision for the purpose of job-
5947 related law enforcement or corrections training.

5948 (h) McKnight Doctoral Fellows and Finalists who are United
5949 States citizens.

5950 (i) United States citizens living outside the United States
5951 who are teaching at a Department of Defense Dependent School or
5952 in an American International School and who enroll in a graduate
5953 level education program which leads to a Florida teaching
5954 certificate.

5955 (j) Active duty members of the Canadian military residing
5956 or stationed in this state under the North American Air Defense
5957 (NORAD) agreement, and their spouses and dependent children,
5958 attending a community college or state university within 50 miles
5959 of the military establishment where they are stationed.

5960 (k) Active duty members of a foreign nation's military who
5961 are serving as liaison officers and are residing or stationed in
5962 this state, and their spouses and dependent children, attending a

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5963 community college or state university within 50 miles of the
5964 military establishment where the foreign liaison officer is
5965 stationed.

5966 ~~(11) The State Board of Education shall by rule designate~~
5967 ~~classifications of students as residents or nonresidents for~~
5968 ~~tuition purposes at community colleges and state universities.~~

5969 Section 129. Section 1009.24, Florida Statutes, is amended
5970 to read:

5971 (Substantial rewording of section. See
5972 s. 1009.24, F.S., for present text.)
5973 1009.24 State university student fees.--

5974 (1) GENERAL PROVISIONS.--

5975 (a) This section applies to students enrolled in college
5976 credit programs at state universities.

5977 (b) All students shall be charged fees except students who
5978 are exempt from fees or students whose fees are waived.

5979 (c) Undergraduate tuition shall be established in the
5980 General Appropriations Act.

5981 (d) Any tuition or fee established by a designee of the
5982 Board of Governors pursuant to this section shall be established
5983 in accordance with law and rules of the Board of Governors.

5984 (e) All moneys from tuition and fees shall be deposited
5985 pursuant to s. 1011.42.

5986 (f) A state university may not charge any fee except as
5987 specifically authorized by law.

5988 (2) GRADUATE AND PROFESSIONAL PROGRAMS.--

5989 (a) The Board of Governors, or the board's designee, shall
5990 establish tuition for graduate and professional programs and

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5991 shall give full consideration to providing access for Florida
5992 residents to such programs when setting tuition levels.

5993 (b) For each constituent university, the Board of Governors
5994 shall establish a limit on graduate and professional enrollments.
5995 In establishing such limits, the Board of Governors shall strive
5996 to maintain adequate access to undergraduate education.

5997 (c) Students who are enrolled in Programs in Medical
5998 Sciences are considered graduate students for the purpose of
5999 enrollment and student fees.

6000 (3) OUT-OF-STATE STUDENTS.--

6001 (a) The Board of Governors, or the board's designee, shall
6002 establish the out-of-state fee for a student classified as a non-
6003 resident for tuition purposes pursuant to s. 1009.21. Except as
6004 otherwise provided by law, the sum of tuition plus the out-of-
6005 state fee for a student classified as a nonresident for tuition
6006 purposes pursuant to s. 1009.21 must be sufficient to offset the
6007 full cost of instruction.

6008 (b) For each constituent university, the Board of Governors
6009 shall establish a limit on non-resident enrollments. In
6010 establishing such limits, the Board of Governors shall not allow
6011 a university's nonresident enrollment to exceed ten percent of
6012 total enrollment or the university's actual nonresident
6013 enrollment percentage during the 2004 fall term, whichever is
6014 greater.

6015 (4) FINANCIAL AID FEE.--

6016 (a) The Board of Governors, or the board's designee, is
6017 authorized to collect a financial aid fee in an amount not to
6018 exceed 5 percent of the tuition and out-of-state fee. The

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6019 revenues from the financial aid fee shall remain at each campus
6020 for disbursement to students as quickly as possible.

6021 (b) Effective with awards for the 2007-2008 academic year,
6022 a minimum of 90 percent of funds from the student financial aid
6023 fee for new financial aid awards shall be used to provide
6024 financial aid based on need.

6025 (c) The Board of Governors shall develop criteria for
6026 making financial aid awards from financial aid fee revenues and
6027 from funds appropriated by the Legislature to state universities
6028 for student financial assistance.

6029 (d) Each university shall report annually to the Board of
6030 Governors and the Legislature on the revenue collected pursuant
6031 to this subsection, the amount carried forward, the criteria used
6032 to make awards, the amount and number of awards for each
6033 criterion, and a delineation of the distribution of such awards.
6034 The report shall include an assessment by category of the
6035 financial need of every student who receives an award, regardless
6036 of the purpose for which the award is received.

6037 (e) Awards which are based on financial need shall be
6038 distributed in accordance with a nationally recognized system of
6039 need analysis approved by the Board of Governors.

6040 (f) An award for academic merit shall require a minimum
6041 overall grade point average of 3.0 on a 4.0 scale or the
6042 equivalent for both initial receipt of the award and renewal of
6043 the award.

6044 (5) CAPITAL IMPROVEMENT AND BUILDING FEE.--The Capital
6045 Improvement Trust Fund fee is established as \$2.44 per credit
6046 hour per semester. The building fee is established as \$2.32 per
6047 credit hour per semester.

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6048 (6) LOCAL FEE AUTHORITY.--For each constituent university,
6049 the Board of Governors, or the board's designee, is authorized to
6050 establish separate activity and service, health, and athletic
6051 fees pursuant to the provisions of this section. When duly
6052 established, the fees shall be collected as component parts of
6053 tuition and fees and shall be retained by the university and paid
6054 into the separate activity and service, health, and athletic
6055 funds. The sum of the activity and service, health, and athletic
6056 fees a student is required to pay to register for a course shall
6057 not exceed 40 percent of the tuition established pursuant to law
6058 or in the General Appropriations Act. No university shall be
6059 required to lower any fee in effect on July 1, 2006 in order to
6060 comply with this subsection. Within the 40 percent cap,
6061 universities may not increase the aggregate sum of activity and
6062 service, health, and athletic fees more than 5 percent per year
6063 unless specifically authorized in law or in the General
6064 Appropriations Act. This subsection does not prohibit a
6065 university from increasing or assessing optional fees related to
6066 specific activities if payment of such fees is not required as a
6067 part of registration for courses.

6068 (7) ACTIVITY AND SERVICE FEE.--

6069 (a)1. For each constituent university, the Board of
6070 Governors, or the board's designee, is authorized to establish a
6071 student activity and service fee on the main campus of the
6072 university. The Board of Governors, or the board's designee, may
6073 also establish a student activity and service fee on any branch
6074 campus or center.

6075 2. Any subsequent increase in the activity and service fee
6076 must be recommended by an activity and service fee committee, at

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6077 least one-half of whom are students appointed by the student body
 6078 president. The remainder of the committee shall be appointed by
 6079 the university president. A chairperson, appointed jointly by the
 6080 university president and the student body president, shall vote
 6081 only in the case of a tie. The recommendations of the committee
 6082 shall take effect only after approval by the university
 6083 president, after consultation with the student body president,
 6084 with final approval by the university board of trustees.

6085 3. An increase in the activity and service fee may occur
 6086 only once each fiscal year and must be implemented beginning with
 6087 the fall term.

6088 4. The Board of Governors is responsible for establishing
 6089 the guidelines and timetables necessary to implement this fee.

6090 (b)1. The student activity and service fees shall be
 6091 expended for lawful purposes to benefit the student body in
 6092 general. This shall include, but shall not be limited to,
 6093 technology, student publications, and grants to duly recognized
 6094 student organizations, the membership of which is open to all
 6095 students at the university without regard to race, gender, or
 6096 religion.

6097 2. The Activity and Service fund may not benefit activities
 6098 for which an admission fee is charged to students, except for
 6099 student-government-association-sponsored concerts.

6100 3. The allocation and expenditure of the Activity and
 6101 Service fund shall be determined by the student government
 6102 association of the university, except that the president of the
 6103 university may veto any line item or portion thereof within the
 6104 budget when submitted by the student government association
 6105 legislative body.

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6106 4. The university president shall have 15 school days from
6107 the date of presentation of the budget to act on the allocation
6108 and expenditure recommendations, which shall be deemed approved
6109 if no action is taken within the 15 school days.

6110 5. If any line item or portion thereof within the budget is
6111 vetoed, the student government association legislative body shall
6112 within 15 school days make new budget recommendations for
6113 expenditure of the vetoed portion of the fund. If the university
6114 president vetoes any line item or portion thereof within the new
6115 budget revisions, the university president may reallocate by line
6116 item that vetoed portion to bond obligations guaranteed by
6117 activity and service fees.

6118 6. Unexpended funds and undisbursed funds remaining at the
6119 end of a fiscal year shall be carried over and remain in the
6120 student activity and service fund and be available for allocation
6121 and expenditure during the next fiscal year.

6122 (8) HEALTH FEE.--

6123 (a) For each constituent university, the Board of
6124 Governors, or the board's designee, is authorized to establish a
6125 student health fee on the main campus of the university. The
6126 Board of Governors, or the board's designee, may also establish a
6127 student health fee on any branch campus or center.

6128 (b) Any subsequent increase in the health fee must be
6129 recommended by a health committee, at least one-half of whom are
6130 students appointed by the student body president. The remainder
6131 of the committee shall be appointed by the university president.
6132 A chairperson, appointed jointly by the university president and
6133 the student body president, shall vote only in the case of a tie.
6134 The recommendations of the committee shall take effect only after

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6135 approval by the university president, after consultation with the
6136 student body president, with final approval by the university
6137 board of trustees.

6138 (c) An increase in the health fee may occur only once each
6139 fiscal year and must be implemented beginning with the fall term.

6140 (d) The Board of Governors is responsible for establishing
6141 the guidelines and timetables necessary to implement this fee.

6142 (9) ATHLETIC FEE.--

6143 (a) For each constituent university, the Board of
6144 Governors, or the board's designee, is authorized to establish a
6145 separate athletic fee on the main campus of the university. The
6146 Board of Governors, or the board's designee, may also establish a
6147 separate athletic fee on any branch campus or center.

6148 (b) Any subsequent increase in the athletic fee must be
6149 recommended by an athletic fee committee, at least one-half of
6150 whom are students appointed by the student body president. The
6151 remainder of the committee shall be appointed by the university
6152 president. A chairperson, appointed jointly by the university
6153 president and the student body president, shall vote only in the
6154 case of a tie. The recommendations of the committee shall take
6155 effect only after approval by the university president, after
6156 consultation with the student body president, with final approval
6157 by the university board of trustees.

6158 (c) An increase in the athletic fee may occur only once
6159 each fiscal year and must be implemented beginning with the fall
6160 term.

6161 (d) The Board of Governors is responsible for establishing
6162 the guidelines and timetables necessary to implement this fee.

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6163 (e) A university may increase its athletic fee to defray
 6164 the costs associated with changing National Collegiate Athletic
 6165 Association divisions.

6166 1. Any such increase in the athletic fee may exceed both
 6167 the 40 percent cap and the 5 percent cap imposed by subsection
 6168 (6).

6169 2. Any such increase must be approved by the athletic fee
 6170 committee in the process outlined in paragraph (a) of this
 6171 subsection and cannot exceed \$2 per credit hour.

6172 3. Notwithstanding the provisions of ss. 1009.534,
 6173 1009.535, and 1009.536, that portion of any increase in an
 6174 athletic fee pursuant to this paragraph that causes the sum of
 6175 the activity and service, health, and athletic fees to exceed the
 6176 40 percent cap or the annual increase in such fees to exceed the
 6177 5 percent cap shall not be included in calculating the amount a
 6178 student receives for a Florida Academic Scholars award, a Florida
 6179 Medallion Scholars award, or a Florida Gold Seal Vocational
 6180 Scholars award.

6181 (10) MISCELLANEOUS FEES AND FINES.--For each constituent
 6182 university, the Board of Governors, or the board's designee, is
 6183 authorized to establish the following fees and fines:

6184 (a) A nonrefundable application fee.

6185 (b) An orientation fee.

6186 (c) A fee for security, access, or identification cards.

6187 (d) Registration fees for audit and zero-hours
 6188 registration; a reasonable service charge for the payment of
 6189 tuition in installments; and a late-registration fee in an amount
 6190 not less than \$50 nor more than \$100 to be imposed on students

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6191 who fail to initiate registration during the regular registration
6192 period.

6193 (e) A late-payment fee in an amount not less than \$50 nor
6194 more than \$100 to be imposed on students who fail to pay or fail
6195 to make appropriate arrangements to pay (by means of installment
6196 payment, deferment, or third-party billing) tuition by the
6197 deadline set by each university. Each university may adopt
6198 specific procedures or policies for waiving the late-payment fee
6199 for minor underpayments.

6200 (f) A fee for miscellaneous health-related charges for
6201 services provided at cost by the university health center which
6202 are not covered by the health fee set under subsection (11).

6203 (g) Materials and supplies fees to offset the cost of
6204 materials or supplies that are consumed in the course of the
6205 student's instructional activities, excluding the cost of
6206 equipment replacement, repairs, and maintenance.

6207 (h) Housing rental rates and miscellaneous housing charges
6208 for services provided by the university at the request of the
6209 student.

6210 (i) A charge representing the reasonable cost of efforts to
6211 collect payment of overdue accounts.

6212 (j) A reasonable service charge on university loans in lieu
6213 of interest and administrative handling charges.

6214 (k) A fee for off-campus course offerings when the location
6215 results in specific, identifiable increased costs to the
6216 university.

6217 (l) Library fees and fines, including charges for damaged
6218 and lost library materials, overdue reserve library books,
6219 interlibrary loans, and literature searches.

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6220 (m) Fees relating to duplicating, photocopying, binding,
6221 and microfilming; copyright services; and standardized testing.
6222 These fees may be charged only to those who receive the services.
6223 (n) Fees and fines relating to the use, late return, and
6224 loss and damage of facilities and equipment.
6225 (o) A returned-check fee as authorized by s. 832.07(1) for
6226 unpaid checks returned to the university.
6227 (p) Reasonable traffic and parking fines, charges for
6228 parking decals, and transportation access fees.
6229 (q) An Educational Research Center for Child Development
6230 fee for child care and services offered by the center.
6231 (r) Fees for transcripts and diploma replacement.
6232
6233 Fees established pursuant to this subsection for records,
6234 documents, services, materials, or supplies shall not exceed the
6235 cost to the university of providing the record, document,
6236 service, materials, or supplies. Fees and fines relating to the
6237 loss of or damage to university equipment or other university
6238 property or damage to university facilities shall not exceed the
6239 cost to the university of repair or replacement.
6240 (11) ADMISSIONS DEPOSIT.--For each constituent university,
6241 the Board of Governors, or the board's designee, is authorized to
6242 establish a nonrefundable admissions deposit for undergraduate,
6243 graduate, and professional degree programs in an amount not to
6244 exceed \$200. The admissions deposit shall be imposed at the time
6245 of an applicant's acceptance to the university and shall be
6246 applied toward tuition upon enrollment. In the event the
6247 applicant does not enroll in the university, the admissions
6248 deposit shall be deposited in an auxiliary account of the

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6249 university and used to expand financial assistance and student
6250 academic and career counseling services at the university. If an
6251 admissions deposit is established pursuant to this subsection, a
6252 policy that provides for the waiver of such deposit on the basis
6253 of financial hardship must also be established.

6254 Section 130. Subsections (4) and (6) of section 1009.26,
6255 Florida Statutes, are amended, and subsection (9) is added to
6256 that section, to read:

6257 1009.26 Fee waivers.--

6258 (4) A state university may waive any or all application,
6259 tuition, and related fees for persons 60 years of age or older
6260 who are residents of this state and who attend classes for
6261 credit. No academic credit shall be awarded for attendance in
6262 classes for which fees are waived under this subsection. This
6263 privilege may be granted only on a space-available basis, if such
6264 classes are not filled as of the close of registration. A
6265 university may limit or deny the privilege for courses which are
6266 in programs for which the Board of Governors of the State
6267 University System ~~State Board of Education~~ has established
6268 selective admissions criteria. Persons paying full fees and state
6269 employees taking courses on a space-available basis shall have
6270 priority over those persons whose fees are waived in all cases
6271 where classroom spaces are limited.

6272 (6) A state university may waive ~~the State Board of~~
6273 ~~Education may establish rules to allow for the waiver of out-of-~~
6274 ~~state fees for nondegree-seeking students enrolled at a state~~
6275 ~~university if the earned student credit hours generated by such~~
6276 ~~students are nonfundable and the direct cost for the program of~~
6277 ~~study is recovered from the fees charged to all students.~~

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6278 (9) Each university board of trustees is authorized to
 6279 waive tuition and out-of-state fees for purposes which support
 6280 and enhance the mission of the university. All fees waived must
 6281 be based on policies which are adopted by university boards of
 6282 trustees pursuant to rules adopted by the Board of Governors of
 6283 the State University System. Each university shall report the
 6284 purpose, number, and value of all fee waivers granted annually in
 6285 a format prescribed by the Board of Governors.

6286 Section 131. Subsection (1) of section 1009.265, Florida
 6287 Statutes, is amended to read:

6288 1009.265 State employee fee waivers.--

6289 (1) As a benefit to the employer and employees of the
 6290 state, subject to approval by an employee's agency head or the
 6291 equivalent, each state university and community college shall
 6292 waive tuition and fees for state employees to enroll for up to 6
 6293 credit hours of courses, including distance learning courses, per
 6294 term on a space-available basis. For purposes of implementing
 6295 this section, space available is to be determined based on the
 6296 number of seats remaining in a course at the end of the drop-add
 6297 period. State employee fee waivers may not be used for
 6298 dissertation, thesis, directed individual study (DIS), or other
 6299 one-to-one instruction courses.

6300 Section 132. Subsection (1) of section 1009.27, Florida
 6301 Statutes, is amended to read:

6302 1009.27 Deferral of fees.--

6303 (1) School districts, community colleges, and state
 6304 universities may defer ~~The State Board of Education shall adopt~~
 6305 ~~rules to allow the deferral of tuition and registration fees for~~
 6306 students receiving financial aid from a federal or state

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6307 assistance program when the aid is delayed in being transmitted
6308 to the student through circumstances beyond the control of the
6309 student. The failure to make timely application for the aid is an
6310 insufficient reason to receive a deferral of fees. ~~The rules must~~
6311 ~~provide for the enforcement and collection or other settlement of~~
6312 ~~delinquent accounts.~~

6313 Section 133. Section 1009.285, Florida Statutes, is amended
6314 to read:

6315 1009.285 Fees for repeated enrollment in college-credit
6316 courses.--A student enrolled in the same undergraduate college-
6317 credit course more than twice shall pay tuition at 100 percent of
6318 the full cost of instruction and shall not be included in
6319 calculations of full-time equivalent enrollments for state
6320 funding purposes. However, students who withdraw or fail a class
6321 due to extenuating circumstances may be granted an exception only
6322 once for each class, provided that approval is granted according
6323 to policy established by the community college board of trustees
6324 or the university board of trustees. Each community college and
6325 state university may review and reduce fees paid by students due
6326 to continued enrollment in a college-credit class on an
6327 individual basis contingent upon the student's financial
6328 hardship, ~~pursuant to definitions and fee levels established by~~
6329 ~~the State Board of Education.~~ For purposes of this section,
6330 first-time enrollment in a class shall mean enrollment in a class
6331 beginning fall semester 1997, and calculations of the full cost
6332 of instruction shall be based on the systemwide average of the
6333 prior year's cost of undergraduate programs for the community
6334 colleges and the state universities. Boards of trustees may make
6335 exceptions to this section for individualized study, elective

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6336 coursework, courses that are repeated as a requirement of a
6337 major, and courses that are intended as continuing over multiple
6338 semesters, excluding the repeat of coursework more than two times
6339 to increase grade point average or meet minimum course grade
6340 requirements.

6341 Section 134. Subsection (1) of section 1009.29, Florida
6342 Statutes, is amended to read:

6343 1009.29 Increased fees for funding financial aid program.--

6344 (1) Student tuition and registration fees at each state
6345 university and community college shall include up to \$4.68 per
6346 quarter, or \$7.02 per semester, per full-time student, or the
6347 per-student credit hour equivalents of such amounts. The fees
6348 provided for by this section shall be adjusted from time to time,
6349 as necessary, to comply with the debt service coverage
6350 requirements of the student loan revenue bonds issued pursuant to
6351 s. 1009.79. If the Division of Bond Finance of the State Board of
6352 Administration ~~State Board of Education~~ and the Commissioner of
6353 Education determine that such fees are no longer required as
6354 security for revenue bonds issued pursuant to ss. 1009.78-
6355 1009.88, moneys previously collected pursuant to this section
6356 which are held in escrow, after administrative expenses have been
6357 met and up to \$150,000 has been used to establish a financial aid
6358 data processing system for the state universities incorporating
6359 the necessary features to meet the needs of all 11 universities
6360 for application through disbursement processing, shall be
6361 reallocated to the generating institutions to be used for student
6362 financial aid programs, including, but not limited to,
6363 scholarships and grants for educational purposes. Upon such

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6364 determination, such fees shall no longer be assessed and
6365 collected.

6366 Section 135. Paragraph (a) of subsection (1) of section
6367 1009.40, Florida Statutes, is amended to read:

6368 1009.40 General requirements for student eligibility for
6369 state financial aid awards and tuition assistance grants.--

6370 (1)(a) The general requirements for eligibility of students
6371 for state financial aid awards and tuition assistance grants
6372 consist of the following:

6373 1. Achievement of the academic requirements of and
6374 acceptance at a state university or community college; a nursing
6375 diploma school approved by the Florida Board of Nursing; a
6376 Florida college, university, or community college which is
6377 accredited by an accrediting agency recognized by the State Board
6378 of Education; any Florida institution the credits of which are
6379 acceptable for transfer to state universities; any career center;
6380 or any private career institution accredited by an accrediting
6381 agency recognized by the State Board of Education.

6382 2. Residency in this state for no less than 1 year
6383 preceding the award of aid or a tuition assistance grant for a
6384 program established pursuant to s. 1009.50, s. 1009.51, s.
6385 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.
6386 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
6387 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.
6388 Residency in this state must be for purposes other than to obtain
6389 an education. Resident status for purposes of receiving state
6390 financial aid awards shall be determined in the same manner as
6391 resident status for tuition purposes pursuant to s. 1009.21 ~~and~~
6392 ~~rules of the State Board of Education.~~

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6393 3. Submission of certification attesting to the accuracy,
6394 completeness, and correctness of information provided to
6395 demonstrate a student's eligibility to receive state financial
6396 aid awards or tuition assistance grants. Falsification of such
6397 information shall result in the denial of any pending application
6398 and revocation of any award or grant currently held to the extent
6399 that no further payments shall be made. Additionally, students
6400 who knowingly make false statements in order to receive state
6401 financial aid awards or tuition assistance grants shall be guilty
6402 of a misdemeanor of the second degree subject to the provisions
6403 of s. 837.06 and shall be required to return all state financial
6404 aid awards or tuition assistance grants wrongfully obtained.

6405 Section 136. Subsections (9) and (12) of section 1009.90,
6406 Florida Statutes, are amended to read:

6407 1009.90 Duties of the Department of Education.--The duties
6408 of the department shall include:

6409 (9) Development and submission of a report, annually, to
6410 the State Board of Education, the Board of Governors of the State
6411 University System, the President of the Senate, and the Speaker
6412 of the House of Representatives, which shall include, but not be
6413 limited to, recommendations for the distribution of state
6414 financial aid funds.

6415 (12) Calculation of the amount of need-based student
6416 financial aid required to offset fee increases recommended by the
6417 State Board of Education and the Board of Governors of the State
6418 University System and inclusion of such amount within the
6419 legislative budget request for student assistance grant programs.

6420 Section 137. Subsection (4) of section 1009.91, Florida
6421 Statutes, is amended to read:

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6422 1009.91 Assistance programs and activities of the
6423 department.--

6424 (4) The department shall maintain records on the student
6425 loan default rate of each Florida postsecondary institution and
6426 report that information annually to both the institution and the
6427 State Board of Education. Information relating to state
6428 universities shall also be reported annually to the Board of
6429 Governors of the State University System.

6430 Section 138. Subsection (2) of section 1009.971, Florida
6431 Statutes, is amended to read:

6432 1009.971 Florida Prepaid College Board.--

6433 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board
6434 shall consist of seven members to be composed of the Attorney
6435 General, the Chief Financial Officer, the Chancellor of the State
6436 University System ~~Deputy Commissioner of Colleges and~~
6437 ~~Universities~~, the Deputy Commissioner of Community Colleges, and
6438 three members appointed by the Governor and subject to
6439 confirmation by the Senate. Each member appointed by the Governor
6440 shall possess knowledge, skill, and experience in the areas of
6441 accounting, actuary, risk management, or investment management.
6442 Each member of the board not appointed by the Governor may name a
6443 designee to serve on the board on behalf of the member; however,
6444 any designee so named shall meet the qualifications required of
6445 gubernatorial appointees to the board. Members appointed by the
6446 Governor shall serve terms of 3 years. Any person appointed to
6447 fill a vacancy on the board shall be appointed in a like manner
6448 and shall serve for only the unexpired term. Any member shall be
6449 eligible for reappointment and shall serve until a successor
6450 qualifies. Members of the board shall serve without compensation

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6451 but shall be reimbursed for per diem and travel in accordance
6452 with s. 112.061. Each member of the board shall file a full and
6453 public disclosure of his or her financial interests pursuant to
6454 s. 8, Art. II of the State Constitution and corresponding
6455 statute.

6456 Section 139. Paragraph (b) of subsection (2) of section
6457 1009.98, Florida Statutes, is amended to read:

6458 1009.98 Florida Prepaid College Program.--

6459 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
6460 make advance payment contracts available for two independent
6461 plans to be known as the community college plan and the
6462 university plan. The board may also make advance payment
6463 contracts available for a dormitory residence plan. The board may
6464 restrict the number of participants in the community college
6465 plan, university plan, and dormitory residence plan,
6466 respectively. However, any person denied participation solely on
6467 the basis of such restriction shall be granted priority for
6468 participation during the succeeding year.

6469 (b)1. Through the university plan, the advance payment
6470 contract shall provide prepaid registration fees for a specified
6471 number of undergraduate semester credit hours not to exceed the
6472 average number of hours required for the conference of a
6473 baccalaureate degree. Qualified beneficiaries shall bear the cost
6474 of any laboratory fees associated with enrollment in specific
6475 courses. Each qualified beneficiary shall be classified as a
6476 resident for tuition purposes pursuant to s. 1009.21, regardless
6477 of his or her actual legal residence.

6478 2. Effective July 1, 1998, the board may provide advance
6479 payment contracts for additional fees delineated in s.

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6480 1009.24(6)-(9)(8)-(11), for a specified number of undergraduate
 6481 semester credit hours not to exceed the average number of hours
 6482 required for the conference of a baccalaureate degree, in
 6483 conjunction with advance payment contracts for registration fees.
 6484 Such contracts shall provide prepaid coverage for the sum of such
 6485 fees, to a maximum of 45 percent of the cost of registration
 6486 fees. University plan contracts purchased prior to July 1, 1998,
 6487 shall be limited to the payment of registration fees as defined
 6488 in s. 1009.97.

6489 Section 140. Subsections (1) and (2) of section 1010.01,
 6490 Florida Statutes, are amended to read:

6491 1010.01 Uniform records and accounts.--

6492 (1)(a) The financial records and accounts of each school
 6493 district, community college, ~~university~~, and other institution or
 6494 agency under the supervision of the State Board of Education
 6495 shall be prepared and maintained as prescribed by law and rules
 6496 of the State Board of Education.

6497 (b) The financial records and accounts of each state
 6498 university under the supervision of the Board of Governors of the
 6499 State University System shall be prepared and maintained as
 6500 prescribed by law and rules of the Board of Governors.

6501 (2)(a) Rules of the State Board of Education shall
 6502 incorporate the requirements of law and the appropriate
 6503 requirements of the Governmental Accounting Standards Board
 6504 (GASB) for State and Local Government. Such rules shall include a
 6505 uniform classification of accounts.

6506 (b) Rules of the Board of Governors shall incorporate the
 6507 requirements of law and the appropriate requirements of the
 6508 Governmental Accounting Standards Board (GASB) for State and

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6509 Local Government. Such rules shall include a uniform
 6510 classification of accounts.

6511 Section 141. Section 1010.011, Florida Statutes, is amended
 6512 to read:

6513 1010.011 Definition.--For purposes of this chapter and
 6514 chapter 1011, the following terms: university, universities, and
 6515 university board of trustees include all state universities ~~New~~
 6516 ~~College~~ under the supervision of the Board of Governors of the
 6517 State University System ~~State Board of Education.~~

6518 Section 142. Section 1010.02, Florida Statutes, is amended
 6519 to read:

6520 1010.02 Financial accounting and expenditures.--

6521 (1) All funds accruing to a school district or, a community
 6522 college, ~~or a university~~ must be received, accounted for, and
 6523 expended in accordance with law and rules of the State Board of
 6524 Education.

6525 (2) All funds accruing to a state university must be
 6526 received, accounted for, and expended in accordance with law and
 6527 rules of the Board of Governors of the State University System.

6528 Section 143. Subsections (1) and (4) of section 1010.04,
 6529 Florida Statutes, are amended to read:

6530 1010.04 Purchasing.--

6531 (1)(a) Purchases and leases by school districts and,
 6532 community colleges, ~~and universities~~ shall comply with the
 6533 requirements of law and rules of the State Board of Education.

6534 (b) Purchases and leases by state universities shall comply
 6535 with the requirements of law and rules of the Board of Governors
 6536 of the State University System.

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6537 (4) (a) The State Board of Education may, by rule, provide
6538 for alternative procedures for school districts and community
6539 colleges for bidding or purchasing in cases in which the
6540 character of the item requested renders competitive bidding
6541 impractical.

6542 (b) The Board of Governors of the State University System
6543 may, by rule, provide for alternative procedures for state
6544 universities for bidding or purchasing in cases in which the
6545 character of the item requested renders competitive bidding
6546 impractical.

6547 Section 144. Subsection (2) of section 1010.07, Florida
6548 Statutes, is amended to read:

6549 1010.07 Bonds or insurance required.--

6550 (2) (a) Contractors paid from school district or, community
6551 college, ~~or university~~ funds shall give bond for the faithful
6552 performance of their contracts in such amount and for such
6553 purposes as prescribed by s. 255.05 or by rules of the State
6554 Board of Education relating to the type of contract involved. It
6555 shall be the duty of the district school board or, community
6556 college board of trustees, ~~and university board of trustees~~ to
6557 require from construction contractors a bond adequate to protect
6558 the board and the board's funds involved.

6559 (b) Contractors paid from university funds shall give bond
6560 for the faithful performance of their contracts in such amount
6561 and for such purposes as prescribed by s. 255.05 or by rules of
6562 the Board of Governors of the State University System relating to
6563 the type of contract involved. It shall be the duty of the
6564 university board of trustees to require from construction

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6565 contractors a bond adequate to protect the board and the board's
6566 funds involved.

6567 Section 145. Section 1010.09, Florida Statutes, is amended
6568 to read:

6569 1010.09 Direct-support organizations.--

6570 (1) School district and, community college, and university
6571 direct-support organizations shall be organized and conducted
6572 under the provisions of ss. 1001.453, ~~1004.28~~, and 1004.70 and
6573 rules of the State Board of Education, as applicable.

6574 (2) State university direct-support organizations shall be
6575 organized and conducted under the provisions of s. 1004.28 and
6576 rules of the Board of Governors of the State University System,
6577 as applicable.

6578 Section 146. Section 1010.30, Florida Statutes, is amended
6579 to read:

6580 1010.30 Audits required.--School districts, community
6581 colleges, ~~universities~~, and other institutions and agencies under
6582 the supervision of the State Board of Education and state
6583 universities under the supervision of the Board of Governors of
6584 the State University System are subject to the audit provisions
6585 under ss. 11.45 and 218.39.

6586 Section 147. Section 1010.62, Florida Statutes, is created
6587 to read:

6588 1010.62 Revenue bonds and debt for state universities.--

6589 (1) As used in this section, the term:

6590 (a) "Capital outlay project" means:

6591 1. Any project to acquire, construct, improve, or change
6592 the functional use of land, buildings, and other facilities,

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6593 including furniture and equipment necessary to operate a new or
6594 improved building or facility.

6595 2. Any other acquisition of equipment or software.

6596 (b) "Debt" means bonds except revenue bonds as defined in
6597 paragraph (d), loans, promissory notes, lease-purchase
6598 agreements, certificates of participation, installment sales,
6599 leases, or any other financing mechanism or financial
6600 arrangement, whether or not a debt for legal purposes, for
6601 financing or refinancing, for or on behalf of a state university
6602 or a direct support organization, the acquisition, construction,
6603 improvement, or purchase of capital outlay projects.

6604 (c) "Direct support organization" means any entity created
6605 pursuant to s. 1004.28 or any entity specifically established to
6606 incur debt on behalf of a state university.

6607 (d) "Revenue bonds" mean any obligation that constitutes a
6608 revenue bond pursuant to s. 11(d), Art. VII of the State
6609 Constitution.

6610 (2) (a) The Board of Governors of the State University
6611 system may request the issuance of revenue bonds pursuant to the
6612 State Bond Act and s. 11(d), Art. VII of the State Constitution
6613 to finance or refinance capital projects permitted by law.

6614 1.a. Revenue bonds may only be secured by or payable from
6615 those revenues authorized for such purpose including the health
6616 fee, the transportation access fee, hospital revenues or those
6617 revenues derived from or received in relation to sales and
6618 services of auxiliary enterprises or component units of the
6619 university, including, but not limited to, housing,
6620 transportation, health care, research or research related
6621 activities, foodservice, retail sales, athletic activities or

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6622 similar services, other revenue attributable to the projects to
 6623 be financed or refinanced, any other revenue approved by the
 6624 Legislature for facilities construction or for securing revenue
 6625 bonds issued pursuant to s. 11(d), Art. VII of the State
 6626 Constitution, or any other revenues permitted by law.

6627 b. The assets of a university foundation and the earnings
 6628 thereon may also be used to pay and secure revenue bonds of the
 6629 university or its direct support organizations.

6630 c. Revenues from royalties and licensing fees may be used
 6631 to pay and secure revenues bonds so long as the facilities being
 6632 financed are functionally related to the university operation or
 6633 direct support organization reporting such royalties and
 6634 licensing fees.

6635 2.a. Revenue bonds may not be secured by or payable from,
 6636 either directly or indirectly, tuition, the financial aid fee,
 6637 the activity and service fee, the athletic fee, sales and
 6638 services of educational departments, revenues from contracts and
 6639 grants, except for money received for overhead and indirect costs
 6640 and other moneys not required for the payment of direct costs, or
 6641 any other operating revenues of a state university.

6642 b. Revenues from one auxiliary enterprise or component unit
 6643 may not be used to secure revenue bonds of another unless such
 6644 activities and facilities are functionally related.

6645 (b) In connection with the issuance of revenue bonds, the
 6646 Board of Governors of the State University System, and the state
 6647 university if so designated by the Board of Governors, shall
 6648 comply with all covenants, commitments, or other provisions
 6649 relating to revenue bonds. Such covenants, commitments, or other

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6650 provisions, in addition to those provided in the State Bond Act,
 6651 may relate to:

6652 1. Pledging the fees, charges, and other revenues which
 6653 secure the revenue bonds.

6654 2. Fixing and maintaining fees, rates, and other charges
 6655 pledged to the payment of the revenue bonds.

6656 3. Providing a lien on the revenues pledged.

6657 4. Preventing or providing for the creation of other liens
 6658 on the fees, charges, and other revenues which secure the revenue
 6659 bonds.

6660 5. Establishing and maintaining reserves for debt service
 6661 payments on revenue bonds.

6662 6. Providing for the operation, maintenance, and
 6663 improvement of facilities which are related to the generation of
 6664 the fees, revenues, and other charges pledged to the payment of
 6665 the revenue bonds.

6666 7. Establishing any other covenants, commitments, or
 6667 provisions which are deemed necessary or advisable to enhance the
 6668 security of the revenue bonds, or the marketability thereof, and
 6669 which are customary in accordance with the market requirements
 6670 for the sale of such revenue bonds.

6671 (3)(a) No state university or direct support organization
 6672 may issue debt without the approval of the Board of Governors of
 6673 the State University system.

6674 1. The Board of Governors may only approve the issuance of
 6675 debt by a state university or a direct support organization when
 6676 such debt is used to finance or refinance capital outlay projects
 6677 which are necessary and desirable to serve the needs and purposes
 6678 of the state university.

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6679 2.a. The debt may only be secured by or payable from those
6680 revenues authorized for such purpose including the health fee,
6681 the transportation access fee, hospital revenues or those
6682 revenues derived from or received in relation to sales and
6683 services of auxiliary enterprises or component units of the
6684 university, including, but not limited to, housing,
6685 transportation, healthcare, research or research related
6686 activities, foodservice, retail sales, athletic activities, or
6687 other similar services.

6688 b. The assets of university foundations and the earnings
6689 thereon may be used to pay and secure debt of the university or
6690 its direct support organizations.

6691 c. Gifts and donations or pledges of gifts may also be used
6692 to secure debt so long as the maturity of the debt, including
6693 extensions, renewals, and refundings, does not exceed 5 years.

6694 d. Revenues from royalties and licensing fees may also be
6695 used to secure debt so long as the facilities being financed are
6696 functionally related to the university operation or direct
6697 support organization reporting such royalties and licensing fees.

6698 3.a. The debt may not be secured by or payable from, either
6699 directly or indirectly, tuition, the financial aid fee, the
6700 activity and service fee, the athletic fee, sales and services of
6701 educational departments, revenues from grants and contracts,
6702 except for the money received for overhead and indirect costs and
6703 other moneys not required for the payment of direct costs of
6704 grants, or any other operating revenues of a state university.

6705 b. The debt of direct support organizations may not be
6706 secured by or be payable under an agreement or contract with a
6707 state university unless the source of payments under such

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6708 agreement or contract is limited to revenues that universities
 6709 are authorized to use for payment of debt service.
 6710 c. Revenues from one auxiliary enterprise or component unit
 6711 may not be used to secure debt of another unless such activities
 6712 and facilities are functionally related.
 6713 4. No debt may be approved to finance or refinance
 6714 operating expenses of a state university or a direct support
 6715 organization.
 6716 5. The maturity of debt used to finance or refinance the
 6717 acquisition of equipment or software, including any extensions,
 6718 renewals or refundings thereof, shall be limited to five years or
 6719 the estimated useful life of the equipment or software, whichever
 6720 is shorter.
 6721 6. The Board of Governors may establish conditions and
 6722 limitations on such debt service as it determines to be
 6723 advisable.
 6724 (b) Approval by the Board of Governors of the State
 6725 University System of the issuance of debt shall be based upon a
 6726 determination that the debt:
 6727 1. Is for a purpose consistent with the mission of the
 6728 state university.
 6729 2. Is structured in a manner appropriate for the prudent
 6730 financial management of the state university.
 6731 3. Is to be incurred in a manner consistent with the
 6732 policies governing the issuance of the State debt.
 6733 4. Is secured by revenues adequate to provide for all
 6734 payments relating to the debt.

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6735 5. Has been analyzed by the Division of Bond Finance, with
6736 all issues raised by such analysis having been appropriately
6737 considered by the Board of Governors.

6738 6. Is consistent with the requirements of any policies or
6739 criteria adopted by the Board of Governors for the approval of
6740 debt.

6741 (c) Notwithstanding the foregoing, state universities and
6742 direct-support organizations may engage in the following
6743 activities without Board of Governors approval:

6744 1. State universities may lease-purchase equipment and
6745 software in accordance with the deferred-purchase provisions in
6746 Chapter 287 and direct support organizations may lease-purchase
6747 equipment and software to the extent that the overall term of the
6748 financing, including any extension, renewal or refinancings
6749 thereof, does not exceed five years or the estimated useful life
6750 of the equipment or software, whichever is shorter.

6751 2. Direct-support organizations may issue promissory notes
6752 and grant conventional mortgages for the acquisition of real
6753 property.

6754 3. State universities and direct-support organizations may
6755 secure debt with gifts and donations and pledges of gifts so long
6756 as the facilities being financed thereby have been included in
6757 the university's 5-year capital improvement plan which has been
6758 approved by the Board of Governors and the maturity of the debt,
6759 including extensions, renewals, and refundings, does not exceed 5
6760 years.

6761 (4) The approval of the Board of Governors of the State
6762 University System of revenue bonds, except refunding bonds, or
6763 debt must be requested by a resolution of the board of trustees

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6764 of each state university involved in the issuance of the revenue
6765 bonds or debt.

6766 (5) Revenue bonds or debt issued hereunder may be secured
6767 on a parity with prior revenue bonds or debt issued by or on
6768 behalf of one or more universities or a direct support
6769 organization.

6770 (6) Capital outlay projects to be financed by revenue bonds
6771 or debt are limited to those approved by the Legislature either
6772 through approval of the specific project or general approval of
6773 the type or category of capital outlay project.

6774 (7)(a) As required pursuant to s. 11(d), Art. VII of the
6775 State Constitution and subsection (6), the Legislature hereby
6776 approves those capital outlay projects which meet the following
6777 requirements:

6778 1. The project is located on a campus of a state university
6779 or on land leased to the university or land that is used for
6780 activities relating to the state university.

6781 2. The project is included in the master plan of the state
6782 university or is for facilities not required to be in a
6783 university's master plan.

6784 3. The project is approved by the Board of Governors as
6785 being consistent with the strategic plan of the state university
6786 and the programs offered by the state university.

6787 4. The project is for purposes relating to housing,
6788 transportation, healthcare, research or research related
6789 activities, foodservice, or retail sales of the state university.

6790 (b) Capital outlay projects for the acquisition of
6791 equipment or software are also approved for purposes of
6792 subsection (6), to the extent that the overall term of the

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6793 financing, including any extension, renewal or refinancings
6794 thereof, does not exceed 5 years or the estimated useful life of
6795 the equipment or software, whichever is shorter.

6796 (8) Notwithstanding any other law, the Board of Governors
6797 of the State University System, each state university, and any
6798 direct support organization must comply with the provisions of
6799 this section to issue or enter into agreements for the issuance
6800 of revenue bonds or debt.

6801 (9) The Board of Governors of the State University System
6802 may adopt such rules or policies as may be necessary or desirable
6803 to carry out all of the requirements of this section and may do
6804 all things necessary or desirable to carry out the powers granted
6805 herein. Such policies may include categories of debt, other than
6806 revenue bonds, which may be issued without Board of Governors
6807 approval of the specific issuance, provided the issuance complies
6808 with any terms, conditions, or requirements included in such
6809 policy and laws governing the imposition of fees and laws
6810 requiring specific authority to pledge revenues to secure debt.

6811 (10) Any legal commitments, contracts, or other obligations
6812 relating to the financing of capital outlay projects, which were
6813 lawfully entered into prior to July 1, 2006, shall remain in full
6814 force and effect. Any such legal commitment, contract or other
6815 obligation may be amended without compliance with this section
6816 but only to the extent that such amendment does not extend the
6817 term of the underlying obligation or increase the financial
6818 obligation of the Board of Governors, a state university, or a
6819 direct-support organization.

6820 Section 148. Section 1010.86, Florida Statutes, is amended
6821 to read:

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6822 1010.86 Administration of capital improvement and building
6823 fees trust funds.--The Board of Governors of the State University
6824 System ~~State Board of Education~~ shall administer the Capital
6825 Improvement Fee Trust Fund and the Building Fee Trust Fund which
6826 include receipts from capital improvement and building student
6827 fee assessments, interest earnings, and subsidy grants. All
6828 funds, except those to be used for debt service payments, reserve
6829 requirements, and educational research centers for child
6830 development, pursuant to s. 1011.48, shall be used to fund
6831 projects appropriated by the Legislature. Projects funded
6832 pursuant to this section may be expanded by the use of
6833 supplemental funds such as grants, auxiliary enterprises, private
6834 donations, and other nonstate sources.

6835 Section 149. Section 1011.01, Florida Statutes, is amended
6836 to read:

6837 1011.01 Budget system established.--

6838 (1) The State Board of Education shall prepare and submit a
6839 coordinated K-20 education annual legislative budget request to
6840 the Governor and the Legislature on or before the date provided
6841 by the Governor and the Legislature. The board's legislative
6842 budget request must clearly define the needs of school districts,
6843 community colleges, universities, other institutions,
6844 organizations, programs, and activities under the supervision of
6845 the board and that are assigned by law or the General
6846 Appropriations Act to the Department of Education.

6847 (2) (a) There shall be established in each school district
6848 and, ~~community college, and university~~ a budget system as
6849 prescribed by law and rules of the State Board of Education.

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6850 (b) There shall be established in each state university a
6851 budget system as prescribed by law and rules of the Board of
6852 Governors of the State University System.

6853 (3) (a) Each district school board ~~and~~, each community
6854 college board of trustees, ~~and each state university board of~~
6855 ~~trustees~~ shall prepare, adopt, and submit to the Commissioner of
6856 Education for review an annual operating budget. Operating
6857 budgets shall be prepared and submitted in accordance with the
6858 provisions of law, rules of the State Board of Education, the
6859 General Appropriations Act, and for district school boards in
6860 accordance with the provisions of ss. 200.065 and 1011.64.

6861 (b) Each state university board of trustees shall prepare,
6862 adopt, and submit to the Chancellor of the State University
6863 System for review an annual operating budget in accordance with
6864 provisions of law, rules of the Board of Governors, and the
6865 General Appropriations Act.

6866 (4) The State Board of Education shall coordinate with the
6867 Board of Governors of the State University System to facilitate
6868 the budget system requirements of this section. The Board of
6869 Governors of the State University System exclusively retains the
6870 review and approval powers of this section for state
6871 universities.

6872 Section 150. Section 1011.011, Florida Statutes, is amended
6873 to read:

6874 1011.011 Legislative capital outlay budget request.--The
6875 State Board of Education shall submit an integrated,
6876 comprehensive budget request for educational facilities
6877 construction and fixed capital outlay needs for school districts,
6878 community colleges, and, in consultation with the Board of

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6879 Governors of the State University System, universities pursuant
6880 to this section and s. 1013.46 and applicable provisions of
6881 chapter 216.

6882 Section 151. Section 1011.40, Florida Statutes, is amended
6883 to read:

6884 1011.40 Budgets for universities.--

6885 (1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors of
6886 the State University System ~~State Board of Education~~ shall
6887 provide instructions, guidelines, and standard formats to be used
6888 by each university that will provide to the Board of Governors of
6889 the State University System ~~State Board of Education~~ and the
6890 Legislature adequate information to support and justify the
6891 legislative budget requests submitted pursuant to ss. 216.023,
6892 1011.90, and 1013.60 for each university.

6893 (2) OPERATING BUDGET.--Each university board of trustees
6894 shall adopt an operating budget for the operation of the
6895 university as prescribed by law and rules of the Board of
6896 Governors of the State University System ~~State Board of~~
6897 ~~Education~~. Each university president shall prepare and implement
6898 the operating budget of the university as prescribed by law,
6899 rules of the Board of Governors of the State University System
6900 ~~State Board of Education~~, policies of the university board of
6901 trustees, and provisions of the General Appropriations Act. The
6902 proposed expenditures, plus transfers, and balances shall not
6903 exceed the estimated income, transfers, and balances. The budget
6904 and each part thereof shall balance. If at any time the
6905 unencumbered balance in the education and general fund of the
6906 university board of trustees approved operating budget goes below
6907 5 percent, the president shall provide written notification to

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6908 the Board of Governors of the State University System ~~State Board~~
6909 ~~of Education.~~

6910 (3) EXPENDITURES.--Expenditures from any source of funds by
6911 any university shall not exceed the funds available. Expenditures
6912 shall not exceed the amount budgeted under each classification of
6913 accounts for each fund and the total amount of the budget, as
6914 amended as prescribed by rules of the Board of Governors of the
6915 State University System ~~State Board of Education.~~ No expenditure
6916 of funds, contract, or agreement of any nature shall be made that
6917 requires additional appropriation of funds by the Legislature
6918 unless specifically authorized in advance by law or the General
6919 Appropriations Act.

6920 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in
6921 the General Appropriations Act for the operation of state
6922 universities shall be distributed ~~by the State Board of Education~~
6923 to the universities twice monthly. The Executive Office of the
6924 Governor may modify this schedule if required to meet specific
6925 needs of a university.

6926 Section 152. Section 1011.41, Florida Statutes, is amended
6927 to read:

6928 1011.41 University appropriations.--Funds for the general
6929 operations of universities shall be requested and appropriated as
6930 Aid to Local Governments Grants and Aids, subject to provisions
6931 of the General Appropriations Act. Funds provided state
6932 universities in the General Appropriations Act are contingent
6933 upon each university complying with the tuition and fee policies
6934 established in the proviso language and with the tuition and fee
6935 policies for state universities included in part II of chapter
6936 1009. However, the funds appropriated to a specific university

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6937 shall not be affected by the failure of another university to
6938 comply with this provision.

6939 Section 153. Section 1011.4106, Florida Statutes, is
6940 amended to read:

6941 1011.4106 Trust fund dissolution and local account
6942 appropriations.--

6943 (1) Notwithstanding the provisions of ss. 215.3206(2) and
6944 215.3208(2), and pursuant to s. 216.351, all unexpended balances
6945 as of June 30, 2002, in the following state university system
6946 trust funds are hereby appropriated to the appropriate accounts
6947 of each university based upon the original source of the trust
6948 fund revenue and any accrued interest: the Education/General
6949 Student and Other Fees Trust Fund, the Experiment Station Federal
6950 Grant Trust Fund, the Experiment Station Incidental Trust Fund,
6951 the Extension Service Federal Grant Trust Fund, the Extension
6952 Service Incidental Trust Fund, the Incidental Trust Fund, the UF
6953 Health Center Operations and Maintenance Trust Fund, the
6954 Operations and Maintenance Trust Fund, and all other trust funds
6955 in the State Treasury for universities. Expenditure of these
6956 funds by each university must be based on the laws, rules, grant
6957 agreements, or other legal controlling factors associated with
6958 all trust fund balances which are appropriated to local accounts
6959 pursuant to this section, and included in each university board
6960 of trustees' approved operating budget. Each university shall be
6961 responsible for the payment of outstanding debts or obligations
6962 associated with these funds.

6963 (2) Any appropriations provided in the General
6964 Appropriations Act from the Educational/General Student and Other
6965 Fees Trust Fund are the only budget authority for the fiscal year

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6966 | to the named universities to expend tuition and fees that are
 6967 | collected during the fiscal year and carried forward from the
 6968 | prior fiscal year. The expenditure of tuition and fee revenues
 6969 | from local accounts by each university shall not exceed the
 6970 | authority provided in the General Appropriations Act, unless
 6971 | approved pursuant to the provisions of chapter 216. If a court of
 6972 | competent jurisdiction finds that the restriction in this
 6973 | subsection is invalid, the appropriations made by this section
 6974 | are hereby repealed and the moneys described in this section
 6975 | shall be deposited in the State Treasury for expenditure only
 6976 | pursuant to appropriations made by law.

6977 | Section 154. Subsections (3), (4), and (5) of section
 6978 | 1011.48, Florida Statutes, are amended to read:

6979 | 1011.48 Establishment of educational research centers for
 6980 | child development.--

6981 | (3) Each center is authorized to charge fees for the care
 6982 | and services it provides. Such fees must be approved by the Board
 6983 | of Governors of the State University System ~~State Board of~~
 6984 | ~~Education~~ and may be imposed on a sliding scale based on ability
 6985 | to pay or any other factors deemed relevant by the board.

6986 | (4) The Board of Governors of the State University System
 6987 | ~~State Board of Education~~ is authorized ~~and directed~~ to adopt
 6988 | ~~promulgate~~ rules for the establishment, operation, and
 6989 | supervision of educational research centers for child
 6990 | development. Such rules shall include, but need not be limited
 6991 | to: a defined method of establishment of and participation in the
 6992 | operation of centers by the appropriate student government
 6993 | associations; guidelines for the establishment of an intern
 6994 | program in each center; and guidelines for the receipt and

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6995 monitoring of funds from grants and other sources of funds
 6996 consistent with existing laws.

6997 (5) Each educational research center for child development
 6998 shall be funded by a portion of the Capital Improvement Trust
 6999 Fund fee established by the Board of Governors of the State
 7000 University System ~~State Board of Education~~ pursuant to s.
 7001 1009.24(5)(7). Each university that establishes a center shall
 7002 receive a portion of such fees collected from the students
 7003 enrolled at that university, usable only at that university,
 7004 equal to 22.5 cents per student per credit hour taken per term,
 7005 based on the summer term and fall and spring semesters. This
 7006 allocation shall be used by the university only for the
 7007 establishment and operation of a center as provided by this
 7008 section and rules promulgated hereunder. Said allocation may be
 7009 made only after all bond obligations required to be paid from
 7010 such fees have been met.

7011 Section 155. Subsection (1) of section 1011.82, Florida
 7012 Statutes, is amended to read:

7013 1011.82 Requirements for participation in Community College
 7014 Program Fund.--Each community college district which participates
 7015 in the state appropriations for the Community College Program
 7016 Fund shall provide evidence of its effort to maintain an adequate
 7017 community college program which shall:

7018 (1) Meet the minimum standards prescribed by the State
 7019 Board of Education in accordance with s. 1001.02(6)(9).

7020 Section 156. Subsection (4) of section 1011.90, Florida
 7021 Statutes, is amended to read:

7022 1011.90 State university funding.--

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7023 (4) The Board of Governors of the State University System
7024 ~~State Board of Education~~ shall establish and validate a cost-
7025 estimating system consistent with the requirements of subsection
7026 (1) and shall report as part of its legislative budget request
7027 the actual expenditures for the fiscal year ending the previous
7028 June 30. Expenditure analysis, operating budgets, and annual
7029 financial statements of each university must be prepared using
7030 the standard financial reporting procedures and formats
7031 prescribed by the Board of Governors of the State University
7032 System ~~State Board of Education~~. These formats shall be the same
7033 as used for the 2000-2001 fiscal year reports. Any revisions to
7034 these financial and reporting procedures and formats must be
7035 approved by the Executive Office of the Governor and the
7036 appropriations committees of the Legislature jointly under the
7037 provisions of s. 216.023(3). The Board of Governors of the State
7038 University System ~~State Board of Education~~ shall continue to
7039 collect and maintain at a minimum the management information
7040 databases existing on June 30, 2002. The expenditure analysis
7041 report shall include total expenditures from all sources for the
7042 general operation of the university and shall be in such detail
7043 as needed to support the legislative budget request.

7044 Section 157. Subsections (1) and (2) of section 1011.91,
7045 Florida Statutes, are amended to read:

7046 1011.91 Additional appropriation.--

7047 (1) Except as otherwise provided in the General
7048 Appropriations Act, all moneys received by universities, other
7049 than from state and federal sources, from student ~~building and~~
7050 ~~capital improvement~~ fees authorized in s. 1009.24, and from
7051 vending machine collections, are hereby appropriated to the use

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7052 of the respective universities collecting same, to be expended as
 7053 the university board of trustees may direct; however, the funds
 7054 shall not be expended except in pursuance of detailed budgets
 7055 filed with the Board of Governors of the State University System
 7056 ~~State Board of Education~~ and shall not be expended for the
 7057 construction or reconstruction of buildings except as provided
 7058 under s. 1013.74. If the moneys described in this section are
 7059 appropriated through a General Appropriations Act, the
 7060 appropriations made by this section are hereby repealed and the
 7061 moneys described in this section shall be deposited in the State
 7062 Treasury for expenditure only pursuant to appropriations made by
 7063 law.

7064 (2) All moneys received from vending machine collections by
 7065 universities shall be expended only as set forth in detailed
 7066 budgets approved by the Board of Governors of the State
 7067 University System ~~State Board of Education.~~

7068 Section 158. Subsections (1), (2), (3), and (5) of section
 7069 1011.94, Florida Statutes, are amended to read:

7070 1011.94 Trust Fund for University Major Gifts.--

7071 (1) There is established a Trust Fund for University Major
 7072 Gifts. The purpose of the trust fund is to enable each state
 7073 ~~university and New College~~ to provide donors with an incentive in
 7074 the form of matching grants for donations for the establishment
 7075 of permanent endowments and sales tax exemption matching funds
 7076 received pursuant to s. 212.08(5)(j), which must be invested,
 7077 with the proceeds of the investment used to support libraries and
 7078 instruction and research programs, as defined by the Board of
 7079 Governors of the State University System ~~State Board of~~
 7080 ~~Education.~~ All funds appropriated for the challenge grants, new

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7081 donors, major gifts, sales tax exemption matching funds pursuant
 7082 to s. 212.08(5)(j), or eminent scholars program may be deposited
 7083 into the trust fund and invested pursuant to s. 17.61 until ~~the~~
 7084 ~~State Board of Education allocates~~ the funds are allocated to
 7085 universities to match private donations. Notwithstanding s.
 7086 216.301 and pursuant to s. 216.351, any undisbursed balance
 7087 remaining in the trust fund and interest income accruing to the
 7088 portion of the trust fund which is not matched and distributed to
 7089 universities must remain in the trust fund and be used to
 7090 increase the total funds available for challenge grants. Funds
 7091 deposited in the trust fund for the sales tax exemption matching
 7092 program authorized in s. 212.08(5)(j), and interest earnings
 7093 thereon, shall be maintained in a separate account within the
 7094 Trust Fund for University Major Gifts, and may be used only to
 7095 match qualified sales tax exemptions that a certified business
 7096 designates for use by state universities and community colleges
 7097 to support research and development projects requested by the
 7098 certified business. ~~The State Board of Education may authorize~~
 7099 ~~any university to encumber the state matching portion of a~~
 7100 ~~challenge grant from funds available under s. 1011.45.~~

7101 (2) The Board of Governors of the State University System
 7102 ~~State Board of Education~~ shall specify the process for
 7103 submission, documentation, and approval of requests for matching
 7104 funds, accountability for endowments and proceeds of endowments,
 7105 allocations to universities, restrictions on the use of the
 7106 proceeds from endowments, and criteria used in determining the
 7107 value of donations.

7108 (3)(a) ~~The State Board of Education shall allocate the~~
 7109 ~~amount appropriated to the trust fund to each university and New~~

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7110 ~~College based on the amount of the donation and the restrictions~~
7111 ~~applied to the donation.~~

7112 ~~(b)~~ Donations for a specific purpose are eligible to ~~must~~
7113 be matched in the following manner:

7114 (a)1- Each university that raises at least \$100,000 but no
7115 more than \$599,999 from a private source may ~~must~~ receive a
7116 matching grant up equal to 50 percent of the private
7117 contribution.

7118 (b)2- Each university that raises a contribution of at
7119 least \$600,000 but no more than \$1 million from a private source
7120 may ~~must~~ receive a matching grant up equal to 70 percent of the
7121 private contribution.

7122 (c)3- Each university that raises a contribution in excess
7123 of \$1 million but no more than \$1.5 million from a private source
7124 may ~~must~~ receive a matching grant up equal to 75 percent of the
7125 private contribution.

7126 (d)4- Each university that raises a contribution in excess
7127 of \$1.5 million but no more than \$2 million from a private source
7128 may ~~must~~ receive a matching grant up equal to 80 percent of the
7129 private contribution.

7130 (e)5- Each university that raises a contribution in excess
7131 of \$2 million from a private source may ~~must~~ receive a matching
7132 grant up equal to 100 percent of the private contribution.

7133 ~~(c) The State Board of Education shall encumber state~~
7134 ~~matching funds for any pledged contributions, pro rata, based on~~
7135 ~~the requirements for state matching funds as specified for the~~
7136 ~~particular challenge grant and the amount of the private~~
7137 ~~donations actually received by the university for the respective~~
7138 ~~challenge grant.~~

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7139 (5)(a) Each state university foundation ~~and New College~~
7140 ~~Foundation~~ shall establish a challenge grant account for each
7141 challenge grant as a depository for private contributions and
7142 state matching funds to be administered on behalf of the Board of
7143 Governors of the State University System ~~or the state Board of~~
7144 ~~Education, the university, or New College.~~ State matching funds
7145 must be transferred to a university foundation ~~or New College~~
7146 ~~Foundation~~ upon notification that the university ~~or New College~~
7147 has received and deposited the amount specified in this section
7148 in a foundation challenge grant account.

7149 (b) The foundation serving a state university ~~and New~~
7150 ~~College Foundation~~ each has the responsibility for the
7151 maintenance and investment of its challenge grant account and for
7152 the administration of the program on behalf of the university ~~or~~
7153 ~~New College,~~ pursuant to procedures specified by the Board of
7154 Governors of the State University System ~~State Board of~~
7155 ~~Education.~~ Each foundation shall include in its annual report to
7156 the Board of Governors of the State University System ~~State Board~~
7157 ~~of Education~~ information concerning collection and investment of
7158 matching gifts and donations and investment of the account.

7159 (c) A donation of at least \$600,000 and associated state
7160 matching funds may be used to designate an Eminent Scholar
7161 Endowed Chair pursuant to procedures specified by the Board of
7162 Governors of the State University System ~~State Board of~~
7163 ~~Education.~~

7164 Section 159. Section 1012.01, Florida Statutes, is amended
7165 to read:

7166 1012.01 Definitions.--As used in this chapter, the
7167 following terms have the following meanings ~~Specific definitions~~

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7168 ~~shall be as follows, and wherever such defined words or terms are~~
7169 ~~used in the Florida K-20 Education Code, they shall be used as~~
7170 ~~follows:~~

7171 (1) SCHOOL OFFICERS.--The officers of the state system of
7172 public K-12 and community college education shall be the
7173 Commissioner of Education and the members of the State Board of
7174 Education; and, for each district school system, the officers
7175 shall be the district school superintendent and members of the
7176 district school board; and, for each community college, the
7177 officers shall be the community college president and members of
7178 the community college board of trustees.

7179 (2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel"
7180 means any K-12 staff member whose function includes the provision
7181 of direct instructional services to students. Instructional
7182 personnel also includes K-12 personnel whose functions provide
7183 direct support in the learning process of students. Included in
7184 the classification of instructional personnel are the following
7185 K-12 personnel:

7186 (a) Classroom teachers.--Classroom teachers are K-12 staff
7187 members assigned the professional activity of instructing
7188 students in courses in classroom situations, including basic
7189 instruction, exceptional student education, career education, and
7190 adult education, including substitute teachers.

7191 (b) Student personnel services.--Student personnel services
7192 include K-12 staff members responsible for: advising students
7193 with regard to their abilities and aptitudes, educational and
7194 occupational opportunities, and personal and social adjustments;
7195 providing placement services; performing educational evaluations;
7196 and similar functions. Included in this classification are

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7197 guidance counselors, social workers, career specialists, and
7198 school psychologists.

7199 (c) Librarians/media specialists.--Librarians/media
7200 specialists are K-12 staff members responsible for providing
7201 school library media services. These employees are responsible
7202 for evaluating, selecting, organizing, and managing media and
7203 technology resources, equipment, and related systems;
7204 facilitating access to information resources beyond the school;
7205 working with teachers to make resources available in the
7206 instructional programs; assisting teachers and students in media
7207 productions; and instructing students in the location and use of
7208 information resources.

7209 (d) Other instructional staff.--Other instructional staff
7210 are K-12 staff members who are part of the instructional staff
7211 but are not classified in one of the categories specified in
7212 paragraphs (a)-(c). Included in this classification are primary
7213 specialists, learning resource specialists, instructional
7214 trainers, adjunct educators certified pursuant to s. 1012.57, and
7215 similar positions.

7216 (e) Education paraprofessionals.--Education
7217 paraprofessionals are individuals who are under the direct
7218 supervision of an instructional K-12 staff member, aiding the
7219 instructional process. Included in this classification are
7220 classroom paraprofessionals in regular instruction, exceptional
7221 education paraprofessionals, career education paraprofessionals,
7222 adult education paraprofessionals, library paraprofessionals,
7223 physical education and playground paraprofessionals, and other
7224 school-level paraprofessionals.

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7225 (3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel"
7226 includes K-12 personnel who perform management activities such as
7227 developing broad policies for the school district and executing
7228 those policies through the direction of personnel at all levels
7229 within the district. Administrative personnel are generally high-
7230 level, responsible personnel who have been assigned the
7231 responsibilities of systemwide or schoolwide functions, such as
7232 district school superintendents, assistant superintendents,
7233 deputy superintendents, school principals, assistant principals,
7234 career center directors, and others who perform management
7235 activities. Broad classifications of administrative personnel are
7236 as follows:

7237 (a) District-based instructional administrators.--Included
7238 in this classification are persons with district-level
7239 administrative or policymaking duties who have broad authority
7240 for K-12 management policies and general school district
7241 operations related to the instructional program. Such personnel
7242 often report directly to the district school superintendent and
7243 supervise other administrative employees. This classification
7244 includes assistant, associate, or deputy superintendents and
7245 directors of major instructional areas, such as curriculum,
7246 federal programs such as Title I, specialized instructional
7247 program areas such as exceptional student education, career
7248 education, and similar areas.

7249 (b) District-based noninstructional
7250 administrators.--Included in this classification are persons with
7251 district-level administrative or policymaking duties who have
7252 broad authority for K-12 management policies and general school
7253 district operations related to the noninstructional program. Such

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7254 personnel often report directly to the district school
7255 superintendent and supervise other administrative employees. This
7256 classification includes assistant, associate, or deputy
7257 superintendents and directors of major noninstructional areas,
7258 such as personnel, construction, facilities, transportation, data
7259 processing, and finance.

7260 (c) School administrators.--~~Included in this classification~~
7261 ~~are:~~

7262 1. School principals or school directors who are K-12 staff
7263 members performing the assigned activities as the administrative
7264 head of a school and to whom have been delegated responsibility
7265 for the coordination and administrative direction of the
7266 instructional and noninstructional activities of the school. This
7267 classification also includes career center directors.

7268 2. Assistant principals who are K-12 staff members
7269 assisting the administrative head of the school. This
7270 classification also includes assistant principals for curriculum
7271 and administration.

7272 (4) YEAR OF SERVICE.--The minimum time which may be
7273 recognized in administering K-12 ~~the state program of~~ education,
7274 not including retirement, as a year of service by a school
7275 employee shall be full-time actual service; and, beginning July
7276 1963, such service shall also include sick leave and holidays for
7277 which compensation was received but shall exclude all other types
7278 of leave and holidays for a total of more than one-half of the
7279 number of days required for the normal contractual period of
7280 service for the position held, which shall be 196 days or longer,
7281 or the minimum required for the district to participate in the
7282 Florida Education Finance Program in the year service was

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7283 rendered, or the equivalent for service performed on a daily or
 7284 hourly basis; provided, further, that absence from duty after the
 7285 date of beginning service shall be covered by leave duly
 7286 authorized and granted; further, the school board shall have
 7287 authority to establish a different minimum for local district
 7288 school purposes.

7289 (5) SCHOOL VOLUNTEER.--A school volunteer is any nonpaid
 7290 person who may be appointed by a district school board or its
 7291 designee. School volunteers may include, but may not be limited
 7292 to, parents, senior citizens, students, and others who assist the
 7293 teacher or other members of the school staff.

7294 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support
 7295 employees" means K-12 employees whose job functions are neither
 7296 administrative nor instructional, yet whose work supports the
 7297 educational process.

7298 (a) Other professional staff or
 7299 nonadministrative/noninstructional employees are staff members
 7300 who perform professional job functions which are
 7301 nonadministrative/noninstructional in nature and who are not
 7302 otherwise classified in this section. Included in this
 7303 classification are employees such as doctors, nurses, attorneys,
 7304 certified public accountants, and others appropriate to the
 7305 classification.

7306 (b) Technicians are individuals whose occupations require a
 7307 combination of knowledge and manual skill which can be obtained
 7308 through about 2 years of post-high school education, such as is
 7309 offered in many career centers and community colleges, or through
 7310 equivalent on-the-job training.

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7311 (c) Clerical/secretarial workers are individuals whose job
7312 requires skills and training in clerical-type work, including
7313 activities such as preparing, transcribing, systematizing, or
7314 preserving written communications and reports or operating
7315 equipment performing those functions. Included in this
7316 classification are secretaries, bookkeepers, messengers, and
7317 office machine operators.

7318 (d) Skilled crafts workers are individuals who perform jobs
7319 which require special manual skill and a thorough and
7320 comprehensive knowledge of the processes involved in the work
7321 which is acquired through on-the-job training and experience or
7322 through apprenticeship or other formal training programs. Lead
7323 workers for the various skilled crafts areas shall be included in
7324 this classification.

7325 (e) Service workers are staff members performing a service
7326 for which there are no formal qualifications, including those
7327 responsible for: cleaning the buildings, school plants, or
7328 supporting facilities; maintenance and operation of such
7329 equipment as heating and ventilation systems; preserving the
7330 security of school property; and keeping the school plant safe
7331 for occupancy and use. Lead workers in the various service areas
7332 shall be included in this broad classification.

7333 (7) MANAGERS.--"Managers" includes those K-12 staff members
7334 who perform managerial and supervisory functions while usually
7335 also performing general operations functions. Managers may be
7336 either instructional or noninstructional in their responsibility.
7337 They may direct employees' work, plan the work schedule, control
7338 the flow and distribution of work or materials, train employees,
7339 handle complaints, authorize payments, and appraise productivity

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and efficiency of employees. This classification includes coordinators and supervisors working under the general direction of those staff identified as district-based instructional or noninstructional administrators.

Section 160. Subsection (1) of section 1012.80, Florida Statutes, is amended to read:

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.--

(1)(a) Any person who accepts the privilege extended by the laws of this state of employment at any public community college ~~postsecondary educational institution~~ shall, by so working at such institution, be deemed to have given his or her consent to the policies of that institution, the State Board of Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

(b) Any person who accepts the privilege extended by the laws of this state of employment at any state university shall, by working at such institution, be deemed to have given his or her consent to the policies of that institution, the Board of Governors of the State University System, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

Section 161. Section 1012.801, Florida Statutes, is amended to read:

1012.801 Employees of the Board of Governors of the State University System ~~Division of Colleges and Universities.--Employees of the Board of Governors of the State University System Division of Colleges and Universities of the~~

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7369 ~~Department of Education~~ who were are participating in the State
 7370 University Optional Retirement Program prior to June 30, 2002,
 7371 shall be eligible to continue such participation as long as they
 7372 remain employees of the Board of Governors of the State
 7373 University System ~~Department of Education~~ or a state university
 7374 without a break in continuous service.

7375 Section 162. Section 1012.93, Florida Statutes, is amended
 7376 to read:

7377 1012.93 Faculty members; test of spoken English.--~~The State~~
 7378 ~~Board of Education shall adopt rules requiring that~~ All faculty
 7379 members in each state university ~~and New College~~, other than
 7380 those persons who teach courses that are conducted primarily in a
 7381 foreign language, shall be proficient in the oral use of English,
 7382 as determined by a satisfactory grade on the "Test of Spoken
 7383 English" of the Educational Testing Service or a similar test
 7384 approved by the Board of Governors of the State University System
 7385 ~~state board~~.

7386 Section 163. Subsections (1) and (2) of section 1012.97,
 7387 Florida Statutes, are amended to read:

7388 1012.97 University police.--

7389 (1) Each university may ~~is empowered and directed to~~
 7390 provide for police officers for the university, and such police
 7391 officers shall hereafter be known and designated as the
 7392 "university police."

7393 (2) The university police are ~~hereby~~ declared ~~to be~~ law
 7394 enforcement officers of the state and conservators of the peace
 7395 with the right to arrest, in accordance with the laws of this
 7396 state, any person for violation of state law or applicable county
 7397 or city ordinances when such violations occur on any property or

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7398 facilities that are under the guidance, supervision, regulation,
7399 or control of the state university or a direct-support
7400 organization of such university, except that arrest may be made
7401 off campus when hot pursuit originates on any such property or
7402 facilities. Such officers shall have full authority to bear arms
7403 in the performance of their duties and to execute search warrants
7404 within their territorial jurisdiction. University police, when
7405 requested by the sheriff or local police authority, may serve
7406 subpoenas or other legal process and may make arrest of any
7407 person against whom a warrant has been issued or any charge has
7408 been made of violation of federal or state laws or county or city
7409 ordinances.

7410 Section 164. Section 1012.975, Florida Statutes, is amended
7411 to read:

7412 1012.975 Remuneration of certain employees of public
7413 postsecondary educational institutions ~~state university~~
7414 ~~presidents~~; limitations.--

7415 (1) DEFINITIONS.--As used in this section, the term:

7416 (a) "Cash-equivalent compensation" means any benefit that
7417 may be assigned an equivalent cash value.

7418 (b) "Public funds" means funds appropriated from the
7419 General Revenue Fund, funds appropriated from state trust funds,
7420 tuition and fees, or any funds from a state university trust fund
7421 regardless of repository.

7422 (c) "Remuneration" means salary, bonuses, and cash-
7423 equivalent compensation paid to an employee identified in
7424 subsection (2) ~~a state university president~~ by his or her
7425 employer for work performed, excluding health insurance benefits
7426 and retirement benefits.

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7427 (2) LIMITATION ON COMPENSATION.--Notwithstanding any other
7428 law, resolution, or rule to the contrary, a state university
7429 president, a state university provost, or a community college
7430 president may not receive more than \$225,000 in remuneration
7431 annually from public funds. Only compensation, as such term is
7432 defined in s. 121.021(22), provided to a state university
7433 president, a state university provost, or a community college
7434 president may be used in calculating benefits under chapter 121.

7435 (3) EXCEPTIONS.--This section does not prohibit any party
7436 from providing cash or cash-equivalent compensation from funds
7437 that are not public funds to an employee identified in subsection
7438 (2) a state university president in excess of the limit in
7439 subsection (2). If a party is unable or unwilling to fulfill an
7440 obligation to provide cash or cash-equivalent compensation to a
7441 an employee identified in subsection (2) state university
7442 president as permitted under this subsection, public funds may
7443 not be used to fulfill such obligation.

7444 Section 165. Paragraph (d) of subsection (4) of section
7445 1012.98, Florida Statutes, is amended to read:

7446 1012.98 School Community Professional Development Act.--

7447 (4) The Department of Education, school districts, schools,
7448 community colleges, and state universities share the
7449 responsibilities described in this section. These
7450 responsibilities include the following:

7451 ~~(d) The Department of Education shall approve a public~~
7452 ~~state university having an approved physical education teacher~~
7453 ~~preparation program within its college of education to develop~~
7454 ~~and implement an Internet-based clearinghouse for physical~~
7455 ~~education professional development programs that may be accessed~~

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~~and used by all instructional personnel. The development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.~~

Section 166. Subsection (3) of section 1013.01, Florida Statutes, is amended to read:

1013.01 Definitions.--The following terms shall be defined as follows for the purpose of this chapter:

(3) "Board," unless otherwise specified, means a district school board, a community college board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education or the Board of Governors of the State University System.

Section 167. Subsection (2) of section 1013.02, Florida Statutes, is amended to read:

1013.02 Purpose; rules.--

(2) (a) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter for school districts and community colleges.

(b) The Board of Governors of the State University System shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter for state universities.

Section 168. Section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors of the State University System.--The functions of the Department of Education as it pertains to educational facilities of school districts and community colleges and of the Board of Governors of the State University System as it pertains to

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7485 educational facilities of state universities shall include, but
7486 not be limited to, the following:

7487 (1) Establish recommended minimum and maximum square
7488 footage standards for different functions and areas and
7489 procedures for determining the gross square footage for each
7490 educational facility to be funded in whole or in part by the
7491 state, including public broadcasting stations but excluding
7492 postsecondary special purpose laboratory space. The gross square
7493 footage determination standards may be exceeded when the core
7494 facility space of an educational facility is constructed or
7495 renovated to accommodate the future addition of classrooms to
7496 meet projected increases in student enrollment. The department
7497 shall encourage multiple use of facilities and spaces in
7498 educational plants.

7499 (2) Establish, for the purpose of determining need,
7500 equitably uniform utilization standards for all types of like
7501 space, regardless of the level of education. These standards
7502 shall be reviewed and updated a minimum of every 5 years to
7503 ensure that they accurately reflect the need for each type of
7504 space. These standards shall also establish, for postsecondary
7505 education classrooms, a minimum room utilization rate of 50 ~~40~~
7506 hours per week and a minimum station utilization rate of 70 ~~60~~
7507 percent. Each postsecondary institution shall report to its board
7508 of trustees and the Department of Education or the Board of
7509 Governors of the State University System, as appropriate, on the
7510 success of strategies implemented to maximize use of existing
7511 classrooms and provide utilization data by day of week and hour
7512 of day when requesting fixed capital outlay funding to build
7513 additional classrooms. ~~These rates shall be subject to increase~~

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7514	based on national norms for utilization of postsecondary	
7515	education classrooms.	
7516	(3) Require boards to submit other educational plant	
7517	inventories data and statistical data or information relevant to	
7518	construction, capital improvements, and related costs.	
7519	(4) Require each board and other appropriate agencies to	
7520	submit complete and accurate financial data as to the amounts of	
7521	funds from all sources that are available and spent for	
7522	construction and capital improvements. The commissioner shall	
7523	prescribe the format and the date for the submission of this data	
7524	and any other educational facilities data. If any district does	
7525	not submit the required educational facilities fiscal data by the	
7526	prescribed date, the Commissioner of Education shall notify the	
7527	district school board of this fact and, if appropriate action is	
7528	not taken to immediately submit the required report, the district	
7529	school board shall be directed to proceed pursuant to the	
7530	provisions of s. 1001.42(11)(b). If any community college or	
7531	university does not submit the required educational facilities	
7532	fiscal data by the prescribed date, the same policy prescribed in	
7533	this subsection for school districts shall be implemented. <u>If any</u>	
7534	<u>state university does not submit the required educational</u>	
7535	<u>facilities fiscal data by the prescribed date, no further</u>	
7536	<u>disbursements shall be made from the Public Education Capital</u>	
7537	<u>Outlay and Debt Service Trust Fund to that university until the</u>	
7538	<u>university submits the data and the data are validated.</u>	
7539	(5) Administer, under the supervision of the Commissioner	
7540	of Education, the Public Education Capital Outlay and Debt	
7541	Service Trust Fund and the School District and Community College	
7542	District Capital Outlay and Debt Service Trust Fund.	

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7543 (6) Develop, review, update, revise, and recommend a
7544 mandatory portion of the Florida Building Code for educational
7545 facilities construction and capital improvement by community
7546 college boards and district school boards.

7547 (7) Provide training, technical assistance, and building
7548 code interpretation for requirements of the mandatory Florida
7549 Building Code for the educational facilities construction and
7550 capital improvement programs of the community college boards and
7551 district school boards and, upon request, approve phase III
7552 construction documents for remodeling, renovation, or new
7553 construction of educational plants or ancillary facilities,
7554 except that university boards of trustees shall approve
7555 specifications and construction documents for their respective
7556 institutions pursuant to guidelines of the Board of Governors of
7557 the State University System. The Department of Management
7558 Services may, upon request, provide similar services for the
7559 Florida School for the Deaf and the Blind and shall use the
7560 Florida Building Code and the Florida Fire Prevention Code.

7561 (8) Provide minimum criteria, procedures, and training to
7562 boards to conduct educational plant surveys and document the
7563 determination of future needs.

7564 (9) Make available to boards technical assistance,
7565 awareness training, and research and technical publications
7566 relating to lifesafety, casualty, sanitation, environmental,
7567 maintenance, and custodial issues; and, as needed, technical
7568 assistance for survey, planning, design, construction, operation,
7569 and evaluation of educational and ancillary facilities and
7570 plants, facilities administrative procedures review, and training
7571 for new administrators.

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(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost limits set by s. 1013.64(6); compare total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for career and adult educational programs comply with needs documented by the Department of Education ~~Office of Workforce and Economic Development~~; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

- a. Cafeterias.
- b. Multipurpose dining areas.
- c. Media centers.

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7601 d. Auditoriums.
7602 e. Administration.
7603 f. Elementary, middle, and high school resource rooms, up
7604 to the number of such rooms recommended for the applicable
7605 occupant and space design capacity of the educational plant in
7606 the State Requirements for Educational Facilities, beyond which
7607 student stations must be assigned.
7608 g. Elementary school skills labs, up to the number of such
7609 rooms recommended for the applicable occupant and space design
7610 capacity of the educational plant in the State Requirements for
7611 Educational Facilities, beyond which student stations must be
7612 assigned.
7613 h. Elementary school art and music rooms.
7614 2. The term "validate" as applied to surveys by community
7615 colleges and universities means to review and document the
7616 approval of each new site and official designation, where
7617 applicable; review the inventory database as submitted by each
7618 board to the department, including noncareer, and total capital
7619 outlay full-time equivalent enrollment projections per site and
7620 per college; provide for the review and inspection, where
7621 required, of student stations and aggregate square feet of space
7622 changed from satisfactory to unsatisfactory; utilize and review
7623 the documentation of programs offered per site submitted by the
7624 boards as accurate for analysis of space requirements and needs;
7625 confirm that needs projected for career and adult educational
7626 programs comply with needs documented by the Department of
7627 Education ~~Office of Workforce and Economic Development~~; compare
7628 new facility inventory to allocations limits as provided in this
7629 chapter; review cost projections for conformity with state

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7630 averages or limits designated by this chapter; compare student
7631 enrollment projections in the survey to the department's
7632 projections; review facilities lists to verify that area
7633 allocations and space factors for generating space needs do not
7634 exceed the limits as provided by this chapter and related rules;
7635 confirm the application of facility utilization factors as
7636 provided by this chapter and related rules; and review, as
7637 submitted, documentation of how survey recommendations will
7638 implement the detail of current campus master plans and integrate
7639 with local comprehensive plans and development regulations.

7640 (b) Recommend priority of projects to be funded ~~for~~
7641 ~~approval by the state board, when required by law.~~

7642 (11) Prepare the commissioner's comprehensive fixed capital
7643 outlay legislative budget request and provide annually an
7644 estimate of the funds available for developing required 3-year
7645 priority lists. This amount shall be based upon the average
7646 percentage for the 5 prior years of funds appropriated by the
7647 Legislature for fixed capital outlay to each level of public
7648 education: public schools, community colleges, and universities.

7649 (12) Perform any other functions that may be involved in
7650 educational facilities construction and capital improvement which
7651 shall ensure that the intent of the Legislature is implemented.

7652 ~~(13) By October 1, 2003, review all rules related to school~~
7653 ~~construction to identify requirements that are outdated,~~
7654 ~~obsolete, unnecessary, or otherwise could be amended in order to~~
7655 ~~provide additional flexibility to school districts to comply with~~
7656 ~~the constitutional class size maximums described in s. 1003.03(1)~~
7657 ~~and make recommendations concerning such rules to the State Board~~

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7658 | ~~of Education. The State Board of Education shall act on such~~
7659 | ~~recommendations by December 31, 2003.~~

7660 | Section 169. Section 1013.12, Florida Statutes, is amended
7661 | to read:

7662 | 1013.12 Casualty, safety, sanitation, and firesafety
7663 | standards and inspection of property.--

7664 | (1) FIRESAFETY.--The State Board of Education shall adopt
7665 | and administer rules prescribing standards for the safety and
7666 | health of occupants of educational and ancillary plants as a part
7667 | of State Requirements for Educational Facilities or the Florida
7668 | Building Code for educational facilities construction as provided
7669 | in s. 1013.37, except that the State Fire Marshal in consultation
7670 | with the Department of Education shall adopt uniform firesafety
7671 | standards for educational and ancillary plants and educational
7672 | facilities, as provided in s. 633.022(1)(b), and a firesafety
7673 | evaluation system to be used as an alternate firesafety
7674 | inspection standard for existing educational and ancillary plants
7675 | and educational facilities. The uniform firesafety standards and
7676 | the alternate firesafety evaluation system shall be administered
7677 | and enforced by local fire officials. These standards must be
7678 | used by all public agencies when inspecting public educational
7679 | and ancillary plants, and the firesafety standards must be used
7680 | by local fire officials when performing firesafety inspections of
7681 | public educational and ancillary plants and educational
7682 | facilities. In accordance with such standards, each board shall
7683 | prescribe policies and procedures establishing a comprehensive
7684 | program of safety and sanitation for the protection of occupants
7685 | of public educational and ancillary plants. Such policies must
7686 | contain procedures for periodic inspections as prescribed herein

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7687 and for withdrawal of any educational and ancillary plant, or
7688 portion thereof, from use until unsafe or unsanitary conditions
7689 are corrected or removed.

7690 (2)~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
7691 BOARDS.--

7692 (a) Each board shall provide for periodic inspection, other
7693 than firesafety inspection, of each educational and ancillary
7694 plant at least once during each fiscal year to determine
7695 compliance with standards of sanitation and casualty safety
7696 prescribed in the rules of the State Board of Education.

7697 (b) Firesafety inspections of each educational and
7698 ancillary plant must be made annually by persons certified by the
7699 Division of State Fire Marshal to be eligible to conduct
7700 firesafety inspections in public educational and ancillary
7701 plants. The board shall submit a copy of the firesafety
7702 inspection report to the State Fire Marshal and, if there is a
7703 local fire official who conducts firesafety inspections, to the
7704 local fire official.

7705 (c) In each firesafety inspection report, the board shall
7706 include a plan of action and a schedule for the correction of
7707 each deficiency which have been formulated in consultation with
7708 the local fire control authority. If immediate life-threatening
7709 deficiencies are noted in any inspection, the board shall either
7710 take action to promptly correct the deficiencies or withdraw the
7711 educational or ancillary plant from use until such time as the
7712 deficiencies are corrected.

7713 (3)~~(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
7714 AGENCIES.--

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7715 (a) A safety or sanitation inspection of any educational or
7716 ancillary plant may be made at any time by the Department of
7717 Education or any other state or local agency authorized or
7718 required to conduct such inspections by either general or special
7719 law. Each agency conducting inspections shall use the standards
7720 adopted by the Commissioner of Education in lieu of, and to the
7721 exclusion of, any other inspection standards prescribed either by
7722 statute or administrative rule. The agency shall submit a copy of
7723 the inspection report to the board.

7724 (b) One firesafety inspection of each educational or
7725 ancillary plant must be conducted each fiscal year by the county,
7726 municipality, or special fire control district in which the plant
7727 is located using the standards adopted by the State Fire Marshal.
7728 The board shall cooperate with the inspecting authority when a
7729 firesafety inspection is made by a governmental authority under
7730 this paragraph.

7731 (c) In each firesafety inspection report, the local fire
7732 official in conjunction with the board shall include a plan of
7733 action and a schedule for the correction of each deficiency. If
7734 immediate life-threatening deficiencies are noted in any
7735 inspection, the local fire official shall either take action to
7736 require the board to promptly correct the deficiencies or
7737 withdraw the educational facility from use until the deficiencies
7738 are corrected, subject to review by the State Fire Marshal who
7739 shall act within 10 days to ensure that the deficiencies are
7740 corrected or withdraw the facility from use.

7741 (4)~~(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN
7742 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take
7743 corrective action within a reasonable time, the agency making the

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7744 inspection, other than a local fire official, may request the
7745 commissioner to:

7746 (a) Order that appropriate action be taken to correct all
7747 deficiencies in accordance with a schedule determined jointly by
7748 the inspecting authority and the board; in developing the
7749 schedule, consideration must be given to the seriousness of the
7750 deficiencies and the ability of the board to obtain the necessary
7751 funds; or

7752 (b) After 30 calendar days' notice to the board, order all
7753 or a portion of the educational or ancillary plant withdrawn from
7754 use until the deficiencies are corrected.

7755 ~~(5)(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
7756 FACILITIES.--

7757 (a) Firesafety inspections of community college ~~and~~
7758 ~~university~~ facilities shall comply with State Board of Education
7759 rules.

7760 (b) Firesafety inspections of state universities shall
7761 comply with rules of the Board of Governors of the State
7762 University System.

7763 ~~(6)(5)~~ CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.--Upon
7764 failure of the board to take corrective action within the time
7765 designated in the plan of action to correct any firesafety
7766 deficiency noted under paragraph ~~(2)(1)~~(c) or paragraph
7767 ~~(3)(2)~~(c), the local fire official shall immediately report the
7768 deficiency to the State Fire Marshal, who shall have enforcement
7769 authority with respect to educational and ancillary plants and
7770 educational facilities as provided in chapter 633 for any other
7771 building or structure.

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7772 ~~(7)~~~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other
7773 rules adopted under this section or s. 633.022, the State Fire
7774 Marshal in consultation with the Department of Education shall
7775 adopt and administer rules prescribing the following standards
7776 for the safety and health of occupants of educational and
7777 ancillary plants:

7778 (a) The designation of serious life-safety hazards,
7779 including, but not limited to, nonfunctional fire alarm systems,
7780 nonfunctional fire sprinkler systems, doors with padlocks or
7781 other locks or devices that preclude egress at any time,
7782 inadequate exits, hazardous electrical system conditions,
7783 potential structural failure, and storage conditions that create
7784 a fire hazard.

7785 (b) The proper placement of functional smoke and heat
7786 detectors and accessible, unexpired fire extinguishers.

7787 (c) The maintenance of fire doors without doorstops or
7788 wedges improperly holding them open.

7789 ~~(8)~~~~(7)~~ ANNUAL REPORT.--The State Fire Marshal shall publish
7790 an annual report to be filed with the substantive committees of
7791 the state House of Representatives and Senate having jurisdiction
7792 over education, the Commissioner of Education or his or her
7793 successor, the State Board of Education, the Board of Governors
7794 of the State University System, and the Governor documenting the
7795 status of each board's firesafety program, including the
7796 improvement or lack thereof.

7797 Section 170. Subsection (3) of section 1013.15, Florida
7798 Statutes, is amended to read:

7799 1013.15 Lease, rental, and lease-purchase of educational
7800 facilities and sites.--

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7801 (3) Lease or lease-purchase agreements entered into by
7802 university boards of trustees shall comply with the provisions of
7803 ss. ~~s.~~ 1013.171 and 1010.62.

7804 Section 171. Subsection (3) is added to section 1013.16,
7805 Florida Statutes, to read:

7806 1013.16 Construction of facilities on leased property;
7807 conditions.--

7808 (3) Leases executed by a university board of trustees
7809 pursuant to this section are subject to s. 1010.62.

7810 Section 172. Section 1013.17, Florida Statutes, is amended
7811 to read:

7812 1013.17 University leasing in affiliated research and
7813 development park.--A university is exempt from the requirements
7814 of s. 255.25(3), (4), and (8) when leasing educational facilities
7815 in a research and development park with which the university is
7816 affiliated and when the Board of Governors of the State
7817 University System ~~State Board of Education~~ certifies in writing
7818 that the leasing of such ~~said~~ educational facilities is in the
7819 best interests of the university and that the exemption from
7820 competitive bid requirements would not be detrimental to the
7821 state. Leases entered into pursuant to this section are subject
7822 to the provisions of s. 1010.62.

7823 Section 173. Subsections (1) and (2) of section 1013.171,
7824 Florida Statutes, are amended, and subsection (6) is added to
7825 that section, to read:

7826 1013.171 University lease agreements; land, facilities.--

7827 (1) Each university board of trustees is authorized to
7828 negotiate and enter into agreements to lease land under its
7829 jurisdiction to for-profit and nonprofit corporations, registered

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7830 by the Secretary of State to do business in this state, for the
 7831 purpose of erecting thereon facilities and accommodations
 7832 necessary and desirable to serve the needs and purposes of the
 7833 university, as determined by the systemwide strategic plan
 7834 adopted by the Board of Governors of the State University System
 7835 ~~State Board of Education~~. Such agreement will be for a term not
 7836 in excess of 99 years or the life expectancy of the permanent
 7837 facilities constructed thereon, whichever is shorter, and shall
 7838 include as a part of the consideration provisions for the
 7839 eventual ownership of the completed facilities by the state. The
 7840 Board of Trustees of the Internal Improvement Trust Fund upon
 7841 request of the university shall lease any such property to the
 7842 university for sublease as heretofore provided.

7843 (2) Each university board of trustees is authorized to
 7844 enter into agreements with for-profit and nonprofit corporations,
 7845 registered by the Secretary of State to do business in this
 7846 state, whereby income-producing buildings, improvements, and
 7847 facilities necessary and desirable to serve the needs and
 7848 purposes of the university, as determined by the systemwide
 7849 strategic plan adopted by the Board of Governors of the State
 7850 University System ~~State Board of Education~~, are acquired by
 7851 purchase or lease-purchase by the university. When such
 7852 agreements provide for lease-purchase of facilities erected on
 7853 land that is not under the jurisdiction of the university, the
 7854 agreement shall include as a part of the consideration provisions
 7855 for the eventual ownership of the land and facility by the state.
 7856 Agreements for lease-purchase shall not exceed 30 years or the
 7857 life expectancy of the permanent facility constructed, whichever
 7858 is shorter. ~~Notwithstanding the provisions of any other law, The~~

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7859 university board of trustees may enter into an agreement for the
 7860 lease-purchase of a facility under this section for a term
 7861 greater than 1 year. Each university board of trustees is
 7862 authorized to use any auxiliary trust funds, available and not
 7863 otherwise obligated, to pay rent to the owner should income from
 7864 the facilities not be sufficient in any debt payment period. The
 7865 trust funds used for payment of rent shall be reimbursed as soon
 7866 as possible to the extent that income from the facilities exceeds
 7867 the amount necessary for such debt payment.

7868 (6) Agreements entered into pursuant to this section are
 7869 subject to the provisions of s. 1010.62.

7870 Section 174. Section 1013.19, Florida Statutes, is amended
 7871 to read:

7872 1013.19 Purchase, conveyance, or encumbrance of property
 7873 interests above surface of land; joint-occupancy structures.--For
 7874 the purpose of implementing jointly financed construction project
 7875 agreements, or for the construction of combined occupancy
 7876 structures, any board may purchase, own, convey, sell, lease, or
 7877 encumber airspace or any other interests in property above the
 7878 surface of the land, provided the lease of airspace for nonpublic
 7879 use is for such reasonable rent, length of term, and conditions
 7880 as the board in its discretion may determine. All proceeds from
 7881 such sale or lease shall be used by the board or boards receiving
 7882 the proceeds solely for fixed capital outlay purposes. These
 7883 purposes may include the renovation or remodeling of existing
 7884 facilities owned by the board or the construction of new
 7885 facilities; however, for a community college board or university
 7886 board, such new facility must be authorized by the Legislature.
 7887 It is declared that the use of such rental by the board for

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7888	public purposes in accordance with its statutory authority is a		
7889	public use. Airspace or any other interest in property held by		
7890	the Board of Trustees of the Internal Improvement Trust Fund or		
7891	the State Board of Education may not be divested or conveyed		
7892	without approval of the respective board. Any building, including		
7893	any building or facility component that is common to both		
7894	nonpublic and educational portions thereof, constructed in		
7895	airspace that is sold or leased for nonpublic use pursuant to		
7896	this section is subject to all applicable state, county, and		
7897	municipal regulations pertaining to land use, zoning,		
7898	construction of buildings, fire protection, health, and safety to		
7899	the same extent and in the same manner as such regulations would		
7900	be applicable to the construction of a building for nonpublic use		
7901	on the appurtenant land beneath the subject airspace. Any		
7902	educational facility constructed or leased as a part of a joint-		
7903	occupancy facility is subject to all rules and requirements of		
7904	the respective boards or departments having jurisdiction over		
7905	educational facilities. <u>Any contract executed by a university</u>		
7906	<u>board of trustees pursuant to this section is subject to the</u>		
7907	<u>provisions of s. 1010.62.</u>		

7908	Section 175. Section 1013.25, Florida Statutes, is amended		
7909	to read:		

7910	1013.25 When university or community college board of		
7911	trustees may exercise power of eminent domain.--Whenever it		
7912	becomes necessary for the welfare and convenience of any of its		
7913	institutions or divisions to acquire private property for the use		
7914	of such institutions, and this cannot be acquired by agreement		
7915	satisfactory to a university or community college board of		
7916	trustees and the parties interested in, or the owners of, the		

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7917 private property, the board of trustees may exercise the power of
7918 eminent domain after receiving approval therefor from the
7919 Administration Commission ~~State Board of Education~~ and may then
7920 proceed to condemn the property in the manner provided by chapter
7921 73 or chapter 74.

7922 Section 176. Section 1013.28, Florida Statutes, is amended
7923 to read:

7924 1013.28 Disposal of property.--

7925 (1) REAL PROPERTY.--

7926 (a) Subject to rules of the State Board of Education, a
7927 district school board or a community college board of trustees
7928 may dispose of any land or real property that is, by resolution
7929 of the board, determined to be unnecessary for educational
7930 purposes as recommended in an educational plant survey. A
7931 district school board or a community college board of trustees
7932 shall take diligent measures to dispose of educational property
7933 only in the best interests of the public. However, appraisals may
7934 be obtained by the school district or community college board
7935 prior to or simultaneously with the receipt of bids.

7936 (b) Subject to rules of the Board of Governors of the State
7937 University System, a state university board of trustees may
7938 dispose of any land or real property that is, by resolution of
7939 the university board, determined to be unnecessary for
7940 educational purposes as recommended in an educational plant
7941 survey. A university board of trustees shall take diligent
7942 measures to dispose of educational property only in the best
7943 interest of the public. However, appraisals may be obtained by
7944 the university board prior to or simultaneously with the receipt
7945 of bids.

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7946 (2) TANGIBLE PERSONAL PROPERTY.--
 7947 (a) Tangible personal property which has been properly
 7948 classified as surplus by a district school board or community
 7949 college board of trustees shall be disposed of in accordance with
 7950 the procedure established by chapter 274 ~~and by a university~~
 7951 ~~board of trustees by chapter 273.~~ However, the provisions of
 7952 chapter 274 shall not be applicable to a motor vehicle used in
 7953 driver education to which title is obtained for a token amount
 7954 from an automobile dealer or manufacturer. In such cases, the
 7955 disposal of the vehicle shall be as prescribed in the contractual
 7956 agreement between the automotive agency or manufacturer and the
 7957 board.
 7958 (b) Tangible personal property which has been properly
 7959 classified as surplus by a university board of trustees shall be
 7960 disposed of in accordance with the procedure established by
 7961 chapter 273.
 7962 Section 177. Section 1013.31, Florida Statutes, is amended
 7963 to read:
 7964 1013.31 Educational plant survey; localized need
 7965 assessment; PECO project funding.--
 7966 (1) At least every 5 years, each board shall arrange for an
 7967 educational plant survey, to aid in formulating plans for housing
 7968 the educational program and student population, faculty,
 7969 administrators, staff, and auxiliary and ancillary services of
 7970 the district or campus, including consideration of the local
 7971 comprehensive plan. The Department of Education ~~Office of~~
 7972 ~~Workforce and Economic Development~~ shall document the need for
 7973 additional career and adult education programs and the
 7974 continuation of existing programs before facility construction or

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7975 renovation related to career or adult education may be included
7976 in the educational plant survey of a school district or community
7977 college that delivers career or adult education programs.
7978 Information used by the Department of Education ~~Office of~~
7979 ~~Workforce and Economic Development~~ to establish facility needs
7980 must include, but need not be limited to, labor market data,
7981 needs analysis, and information submitted by the school district
7982 or community college.

7983 (a) Survey preparation and required data.--Each survey
7984 shall be conducted by the board or an agency employed by the
7985 board. Surveys shall be reviewed and approved by the board, and a
7986 file copy shall be submitted to the Department of Education
7987 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
7988 ~~within the Office of the Commissioner of Education~~. The survey
7989 report shall include at least an inventory of existing
7990 educational and ancillary plants, including safe access
7991 facilities; recommendations for existing educational and
7992 ancillary plants; recommendations for new educational or
7993 ancillary plants, including the general location of each in
7994 coordination with the land use plan and safe access facilities;
7995 campus master plan update and detail for community colleges; the
7996 utilization of school plants based on an extended school day or
7997 year-round operation; and such other information as may be
7998 required by the Department of Education ~~rules of the State Board~~
7999 ~~of Education~~. This report may be amended, if conditions warrant,
8000 at the request of the department ~~board~~ or commissioner.

8001 (b) Required need assessment criteria for district,
8002 community college, ~~college~~ and state university plant
8003 surveys.--Educational plant surveys must use uniform data sources

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8004 and criteria specified in this paragraph. Each revised
8005 educational plant survey and each new educational plant survey
8006 supersedes previous surveys.

8007 1. The school district's survey must be submitted as a part
8008 of the district educational facilities plan defined in s.
8009 1013.35. To ensure that the data reported to the Department of
8010 Education as required by this section is correct, the department
8011 shall annually conduct an onsite review of 5 percent of the
8012 facilities reported for each school district completing a new
8013 survey that year. If the department's review finds the data
8014 reported by a district is less than 95 percent accurate, within 1
8015 year from the time of notification by the department the district
8016 must submit revised reports correcting its data. If a district
8017 fails to correct its reports, the commissioner may direct that
8018 future fixed capital outlay funds be withheld until such time as
8019 the district has corrected its reports so that they are not less
8020 than 95 percent accurate.

8021 2. Each survey of a special facility, joint-use facility,
8022 or cooperative career education facility must be based on capital
8023 outlay full-time equivalent student enrollment data prepared by
8024 the department for school districts, community colleges,
8025 ~~colleges~~, and universities. A survey of space needs of a joint-
8026 use facility shall be based upon the respective space needs of
8027 the school districts, community colleges, ~~colleges~~, and
8028 universities, as appropriate. Projections of a school district's
8029 facility space needs may not exceed the norm space and occupant
8030 design criteria established by the State Requirements for
8031 Educational Facilities.

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8032 3. Each community college's survey must reflect the
8033 capacity of existing facilities as specified in the inventory
8034 maintained by the Department of Education. Projections of
8035 facility space needs must comply with standards for determining
8036 space needs as specified by ~~rule of~~ the State Board of Education.
8037 The 5-year projection of capital outlay student enrollment must
8038 be consistent with the annual report of capital outlay full-time
8039 student enrollment prepared by the Department of Education.

8040 4. Each ~~college and~~ state university's survey must reflect
8041 the capacity of existing facilities as specified in the inventory
8042 maintained and validated by the Department of Education Division
8043 ~~of Colleges and Universities~~. Projections of facility space needs
8044 must be consistent with standards for determining space needs
8045 approved by the Board of Governors of the State University System
8046 ~~Division of Colleges and Universities~~. The projected capital
8047 outlay full-time equivalent student enrollment must be consistent
8048 with the 5-year planned enrollment cycle for the State University
8049 System approved by the Board of Governors of the State University
8050 System ~~Division of Colleges and Universities~~.

8051 5. The district educational facilities plan of a school
8052 district and the educational plant survey of a community college,
8053 ~~or college~~ or state university may include space needs that
8054 deviate from approved standards for determining space needs if
8055 the deviation is justified by the district or institution and
8056 approved by the department, as necessary for the delivery of an
8057 approved educational program.

8058 (c) Review and validation.--The Department of Education
8059 ~~Office of Educational Facilities and SMART Schools Clearinghouse~~
8060 shall review and validate the surveys of school districts,

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8061 community colleges, ~~and colleges~~ and universities, and any
 8062 amendments thereto for compliance with the requirements of this
 8063 chapter and shall recommend those in compliance for approval by
 8064 the State Board of Education or the Board of Governors of the
 8065 State University System, as appropriate. Annually, the department
 8066 shall perform an in-depth analysis of a representative sample of
 8067 each survey of recommended needs for five districts selected by
 8068 the commissioner from among districts with the largest need-to-
 8069 revenue ratio. For the purpose of this subsection, the need-to-
 8070 revenue ratio is determined by dividing the total 5-year cost of
 8071 projects listed on the district survey by the total 5-year fixed
 8072 capital outlay revenue projections from state and local sources
 8073 as determined by the department. The commissioner may direct
 8074 fixed capital outlay funds to be withheld from districts until
 8075 such time as the survey accurately projects facilities needs.

8076 (d) Periodic update of Florida Inventory of School
 8077 Houses.--School districts shall periodically update their
 8078 inventory of educational facilities as new capacity becomes
 8079 available and as unsatisfactory space is eliminated. The State
 8080 Board of Education shall adopt rules to determine the time frame
 8081 in which districts must provide a periodic update.

8082 (2) Only the district school superintendent, community
 8083 college president, or the university president shall certify to
 8084 the Department of Education ~~Office of Educational Facilities and~~
 8085 ~~SMART Schools Clearinghouse~~ a project's compliance with the
 8086 requirements for expenditure of PECO funds prior to release of
 8087 funds.

8088 (a) Upon request for release of PECO funds for planning
 8089 purposes, certification must be made to the Department of

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8090 Education Office of Educational Facilities and SMART Schools
 8091 ~~Clearinghouse~~ that the need for and location of the facility are
 8092 in compliance with the board-approved survey recommendations,
 8093 that the project meets the definition of a PECO project and the
 8094 limiting criteria for expenditures of PECO funding, and that the
 8095 plan is consistent with the local government comprehensive plan.
 8096 (b) Upon request for release of construction funds,
 8097 certification must be made to the Department of Education Office
 8098 ~~of Educational Facilities and SMART Schools Clearinghouse~~ that
 8099 the need and location of the facility are in compliance with the
 8100 board-approved survey recommendations, that the project meets the
 8101 definition of a PECO project and the limiting criteria for
 8102 expenditures of PECO funding, and that the construction documents
 8103 meet the requirements of the Florida Building Code for
 8104 educational facilities construction or other applicable codes as
 8105 authorized in this chapter.
 8106 Section 178. Subsection (2) of section 1013.46, Florida
 8107 Statutes, is amended to read:
 8108 1013.46 Advertising and awarding contracts;
 8109 prequalification of contractor.--
 8110 (2) Boards shall prequalify bidders for construction
 8111 contracts ~~according to rules prescribed by the State Board of~~
 8112 ~~Education which require the prequalification of bidders of~~
 8113 ~~educational facilities construction.~~ Boards shall require that
 8114 all construction or capital improvement bids be accompanied by
 8115 evidence that the bidder holds an appropriate certificate or
 8116 license or that the prime contractor has a current valid license.
 8117 Section 179. Section 1013.47, Florida Statutes, is amended
 8118 to read:

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8119 1013.47 Substance of contract; contractors to give bond;
8120 penalties.--Each board shall develop contracts consistent with
8121 this chapter and statutes governing public facilities. Such a
8122 contract must contain the drawings and specifications of the work
8123 to be done and the material to be furnished, the time limit in
8124 which the construction is to be completed, the time and method by
8125 which payments are to be made upon the contract, and the penalty
8126 to be paid by the contractor for any failure to comply with the
8127 terms of the contract. The board may require the contractor to
8128 pay a penalty for any failure to comply with the terms of the
8129 contract and may provide an incentive for early completion. Upon
8130 accepting a satisfactory bid, the board shall enter into a
8131 contract with the party or parties whose bid has been accepted.
8132 The contractor shall furnish the board with a performance and
8133 payment bond as set forth in s. 255.05. A board or other public
8134 entity may not require a contractor to secure a surety bond under
8135 s. 255.05 from a specific agent or bonding company.
8136 Notwithstanding any other provision of this section, if 25
8137 percent or more of the costs of any construction project is paid
8138 out of a trust fund established pursuant to 31 U.S.C. s.
8139 1243(a)(1), laborers and mechanics employed by contractors or
8140 subcontractors on such construction will be paid wages not less
8141 than those prevailing on similar construction projects in the
8142 locality, as determined by the Secretary of Labor in accordance
8143 with the Davis-Bacon Act, as amended. A person, firm, or
8144 corporation that constructs any part of any educational plant, or
8145 addition thereto, on the basis of any unapproved plans or in
8146 violation of any plans approved in accordance with the provisions
8147 of this chapter and rules of the State Board of Education or

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8148 Board of Governors of the State University System relating to
 8149 building standards or specifications is subject to forfeiture of
 8150 bond and unpaid compensation in an amount sufficient to reimburse
 8151 the board for any costs that will need to be incurred in making
 8152 any changes necessary to assure that all requirements are met and
 8153 is also guilty of a misdemeanor of the second degree, punishable
 8154 as provided in s. 775.082 or s. 775.083, for each separate
 8155 violation.

8156 Section 180. Paragraph (a) of subsection (1) and subsection
 8157 (3) of section 1013.52, Florida Statutes, are amended to read:

8158 1013.52 Cooperative development and joint use of facilities
 8159 by two or more boards.--

8160 (1) Two or more boards, including district school boards,
 8161 community college boards of trustees, the Board of Trustees for
 8162 the Florida School for the Deaf and the Blind, and university
 8163 boards of trustees, desiring to cooperatively establish a common
 8164 educational facility to accommodate students shall:

8165 (a) Jointly request a formal assessment by the Commissioner
 8166 of Education of the academic program need and the need to build
 8167 new joint-use facilities to house approved programs. Completion
 8168 of the assessment and approval of the project by the State Board
 8169 of Education, the Board of Governors of the State University
 8170 System, or the Commissioner of Education, as appropriate, should
 8171 be done prior to conducting an educational facilities survey.

8172 (3) Included in all proposals for joint-use facilities must
 8173 be documentation that the proposed new campus or new joint-use
 8174 facility has been reviewed by the State Board of Education and
 8175 the Board of Governors of the State University System if the

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8176 proposal involves a state university and has been formally
 8177 requested for authorization by the Legislature.

8178 Section 181. Subsection (2) of section 1013.60, Florida
 8179 Statutes, is amended to read:

8180 1013.60 Legislative capital outlay budget request.--

8181 (2) The commissioner shall submit to the Governor and to
 8182 the Legislature an integrated, comprehensive budget request for
 8183 educational facilities construction and fixed capital outlay
 8184 needs for school districts, community colleges, and universities,
 8185 pursuant to the provisions of s. 1013.64 and applicable
 8186 provisions of chapter 216. Each community college board of
 8187 trustees and each university board of trustees shall submit to
 8188 the commissioner a 3-year plan and data required in the
 8189 development of the annual capital outlay budget. The information
 8190 submitted by a university board of trustees must be approved by
 8191 the Board of Governors of the State University System prior to
 8192 submission to the Commissioner of Education. No further
 8193 disbursements shall be made from the Public Education Capital
 8194 Outlay and Debt Service Trust Fund to a board of trustees that
 8195 fails to timely submit the required data until such board of
 8196 trustees submits the data.

8197 Section 182. Subsections (1) and (2) of section 1013.63,
 8198 Florida Statutes, are amended to read:

8199 1013.63 University Concurrency Trust Fund.--

8200 (1) The University Concurrency Trust Fund is created within
 8201 the Board of Governors of the State University System ~~Department~~
 8202 ~~of Education.~~

8203 (2) Notwithstanding any other provision of law, the general
 8204 revenue service charge deducted pursuant to s. 215.20 on revenues

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8205 raised by any local option motor fuel tax levied pursuant to s.
8206 336.025(1)(b), as created by chapter 93-206, Laws of Florida,
8207 shall be deposited in the University Concurrency Trust Fund,
8208 ~~which is administered by the State Board of Education.~~ Moneys in
8209 such trust fund shall be for the purpose of funding university
8210 offsite improvements required to meet concurrency standards
8211 adopted under part II of chapter 163. In addition, in any year in
8212 which campus master plans are updated pursuant to s. 1013.30, but
8213 no more frequently than once every 5 years, up to 25 percent of
8214 the balance in the trust fund for that year may be used to defray
8215 the costs incurred in updating those campus master plans.

8216 Section 183. Paragraph (a) of subsection (4) of section
8217 1013.64, Florida Statutes, is amended to read:

8218 1013.64 Funds for comprehensive educational plant needs;
8219 construction cost maximums for school district capital
8220 projects.--Allocations from the Public Education Capital Outlay
8221 and Debt Service Trust Fund to the various boards for capital
8222 outlay projects shall be determined as follows:

8223 (4)(a) Community college boards of trustees and university
8224 boards of trustees shall receive funds for projects based on a 3-
8225 year priority list, to be updated annually, which is submitted to
8226 the Legislature in the legislative budget request at least 90
8227 days prior to the legislative session. The State Board of
8228 Education shall submit a 3-year priority list for community
8229 colleges and a 3-year priority list for universities. The lists
8230 shall reflect decisions by the State Board of Education for
8231 community colleges and the Board of Governors of the State
8232 University System for state universities concerning program
8233 priorities that implement the statewide plan for program growth

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8234 and quality improvement in education. No remodeling or renovation
8235 project shall be included on the 3-year priority list unless the
8236 project has been recommended pursuant to s. 1013.31 or is for the
8237 purpose of correcting health and safety deficiencies. No new
8238 construction project shall be included on the first year of the
8239 3-year priority list unless the educational specifications have
8240 been approved by the commissioner for a community college project
8241 or by the Board of Governors of the State University System for a
8242 university project, as applicable. The funds requested for a new
8243 construction project in the first year of the 3-year priority
8244 list shall be in conformance with the scope of the project as
8245 defined in the educational specifications. Any new construction
8246 project requested in the first year of the 3-year priority list
8247 which is not funded by the Legislature shall be carried forward
8248 to be listed first in developing the updated 3-year priority list
8249 for the subsequent year's capital outlay budget. Should the order
8250 of the priority of the projects change from year to year, a
8251 justification for such change shall be included with the updated
8252 priority list.

8253 Section 184. Subsection (1) of section 1013.65, Florida
8254 Statutes, is amended to read:

8255 1013.65 Educational and ancillary plant construction funds;
8256 Public Education Capital Outlay and Debt Service Trust Fund;
8257 allocation of funds.--

8258 (1) The commissioner, through the department, shall
8259 administer the Public Education Capital Outlay and Debt Service
8260 Trust Fund. The commissioner shall allocate or reallocate funds
8261 as authorized by the Legislature. Copies of each allocation or
8262 reallocation shall be provided to members of the State Board of

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8263 Education and the Board of Governors of the State University
 8264 System and to the chairs of the House of Representatives and
 8265 Senate appropriations committees. The commissioner shall provide
 8266 for timely encumbrances of funds for duly authorized projects.
 8267 Encumbrances may include proceeds to be received under a
 8268 resolution approved by the State Board of Education authorizing
 8269 the issuance of public education capital outlay bonds pursuant to
 8270 s. 9(a)(2), Art. XII of the State Constitution, s. 215.61, and
 8271 other applicable law. The commissioner shall provide for the
 8272 timely disbursement of moneys necessary to meet the encumbrance
 8273 authorizations of the boards. Records shall be maintained by the
 8274 department to identify legislative appropriations, allocations,
 8275 encumbrance authorizations, disbursements, transfers,
 8276 investments, sinking funds, and revenue receipts by source. The
 8277 Department of Education shall pay the administrative costs of the
 8278 Public Education Capital Outlay and Debt Service Trust Fund from
 8279 the funds which comprise the trust fund.

8280 Section 185. Paragraph (c) of subsection (2) and subsection
 8281 (3) of section 1013.74, Florida Statutes, are amended, and
 8282 subsection (5) is added to that section, to read:

8283 1013.74 University authorization for fixed capital outlay
 8284 projects.--

8285 (2) The following types of projects may be accomplished
 8286 pursuant to this section:

8287 (c) Construction of projects financed as provided in s.
 8288 1010.62 ~~ss. 1010.60-1010.619~~ or 1013.71;

8289 (3) Other than those projects currently authorized, no
 8290 project proposed by a university which is to be funded from
 8291 Capital Improvement Trust Fund fees or building fees shall be

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8292 submitted to the Board of Governors of the State University
8293 System ~~State Board of Education~~ for approval without prior
8294 consultation with the student government association of that
8295 university. The Board of Governors of the State University System
8296 may adopt ~~State Board of Education shall promulgate~~ rules which
8297 are consistent with this requirement.

8298 (5) Projects accomplished pursuant to this section are
8299 subject to the requirements of s. 1010.62.

8300 Section 186. Subsection (2) of section 1013.78, Florida
8301 Statutes, is amended to read:

8302 1013.78 Approval required for certain university-related
8303 facility acquisitions.--

8304 (2) Legislative approval shall not be required for
8305 renovations, remodeling, replacement of existing facilities or
8306 construction of minor projects as defined in s. 1013.64, except
8307 to the extent required pursuant to s. 1010.62.

8308 Section 187. Section 1013.79, Florida Statutes, is amended
8309 to read:

8310 1013.79 University Facility Enhancement Challenge Grant
8311 Program.--

8312 ~~(1) The Legislature recognizes that the universities do not~~
8313 ~~have sufficient physical facilities to meet the current demands~~
8314 ~~of their instructional and research programs. It further~~
8315 ~~recognizes that, to strengthen and enhance universities, it is~~
8316 ~~necessary to provide facilities in addition to those currently~~
8317 ~~available from existing revenue sources. It further recognizes~~
8318 ~~that there are sources of private support that, if matched with~~
8319 ~~state support, can assist in constructing much needed facilities~~
8320 ~~and strengthen the commitment of citizens and organizations in~~

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8321 ~~promoting excellence throughout the state universities.~~
8322 ~~Therefore, it is the intent of the Legislature to establish a~~
8323 ~~trust fund to provide the opportunity for each university to~~
8324 ~~receive support for challenge grants for instructional and~~
8325 ~~research-related capital facilities within the university.~~
8326 ~~(1)(2)~~ There is hereby established The Alec P. Courtelis
8327 University Facility Enhancement Challenge Grant Program is
8328 established for the purpose of assisting universities build high
8329 priority instructional and research-related capital facilities,
8330 including common areas connecting such facilities. The associated
8331 foundations that serve the universities shall solicit gifts from
8332 private sources to provide matching funds for capital facilities.
8333 For the purposes of this act, private sources of funds shall not
8334 include any federal, state, or local government funds that a
8335 university may receive.
8336 ~~(2)(3)~~ There is established The Alec P. Courtelis Capital
8337 Facilities Matching Trust Fund is established for the purpose of
8338 providing matching funds from private contributions for the
8339 development of high priority instructional and research-related
8340 capital facilities, including common areas connecting such
8341 facilities, within a university. The Legislature may appropriate
8342 funds to be transferred to the trust fund. The Public Education
8343 Capital Outlay and Debt Service Trust Fund, Capital Improvement
8344 Trust Fund, Division of Sponsored Research Trust Fund, and
8345 Contracts and Grants Trust Fund shall not be used as the source
8346 of the state match for private contributions. All appropriated
8347 funds deposited into the trust fund shall be invested pursuant to
8348 the provisions of s. 17.61. Interest income accruing to that
8349 portion of the trust fund shall increase the total funds

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8350 available for the challenge grant program. Interest income
 8351 accruing from the private donations shall be returned to the
 8352 participating foundation upon completion of the project. The
 8353 Board of Governors of the State University System ~~State Board of~~
 8354 ~~Education~~ shall administer the trust fund and all related
 8355 construction activities.

8356 (3) ~~(4)~~ No project shall be initiated unless all private
 8357 funds for planning, construction, and equipping the facility have
 8358 been received and deposited in the trust fund and the state's
 8359 share for the minimum amount of funds needed to begin the project
 8360 has been appropriated by the Legislature. The Legislature may
 8361 appropriate the state's matching funds in one or more fiscal
 8362 years for the planning, construction, and equipping of an
 8363 eligible facility. However, these requirements shall not preclude
 8364 the university from expending available funds from private
 8365 sources to develop a prospectus, including preliminary
 8366 architectural schematics and/or models, for use in its efforts to
 8367 raise private funds for a facility. Additionally, any private
 8368 sources of funds expended for this purpose are eligible for state
 8369 matching funds should the project materialize as provided for in
 8370 this section.

8371 (4) ~~(5)~~ To be eligible to participate in the Alec P.
 8372 Courtelis Capital Facilities Matching Trust Fund, a university
 8373 shall raise a contribution equal to one-half of the total cost of
 8374 a facilities construction project from private nongovernmental
 8375 sources which shall be matched by a state appropriation equal to
 8376 the amount raised for a facilities construction project subject
 8377 to the General Appropriations Act.

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8378 (5)~~(6)~~ If the state's share of the required match is
8379 insufficient to meet the requirements of subsection (4)~~(5)~~, the
8380 university shall renegotiate the terms of the contribution with
8381 the donors. If the project is terminated, each private donation,
8382 plus accrued interest, reverts to the foundation for remittance
8383 to the donor.

8384 (6)~~(7)~~ By September 1 of each year, the Board of Governors
8385 of the State University System ~~State Board of Education~~ shall
8386 transmit to the Legislature a list of projects which meet all
8387 eligibility requirements to participate in the Alec P. Courtelis
8388 Capital Facilities Matching Trust Fund and a budget request which
8389 includes the recommended schedule necessary to complete each
8390 project.

8391 (7)~~(8)~~ In order for a project to be eligible under this
8392 program, it must be included in the university 5-year capital
8393 improvement plan and must receive prior approval from the Board
8394 of Governors of the State University System ~~State Board of~~
8395 ~~Education~~ and the Legislature.

8396 (8)~~(9)~~ No university's project shall be removed from the
8397 approved 3-year PECO priority list because of its successful
8398 participation in this program until approved by the Legislature
8399 and provided for in the General Appropriations Act. When such a
8400 project is completed and removed from the list, all other
8401 projects shall move up on the 3-year PECO priority list. A
8402 university shall not use PECO funds, including the Capital
8403 Improvement Trust Fund fee and the building fee, to complete a
8404 project under this section.

8405 (9)~~(10)~~ Any project funds that are unexpended after a
8406 project is completed shall revert to the Capital Facilities

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8407 Matching Trust Fund. Fifty percent of such unexpended funds shall
8408 be reserved for the university which originally received the
8409 private contribution for the purpose of providing private
8410 matching funds for future facility construction projects as
8411 provided in this section. The balance of such unexpended funds
8412 shall be available to any state university for future facility
8413 construction projects conducted pursuant to this section.

8414 ~~(10)(11)~~ The surveys, architectural plans, facility, and
8415 equipment shall be the property of the State of Florida. A
8416 facility constructed pursuant to this section may be named in
8417 honor of a donor at the option of the university with the
8418 approval of the Board of Governors of the State University System
8419 ~~and the State Board of Education. No facility shall be named~~
8420 ~~after a living person without prior approval by the Legislature.~~

8421 Section 188. Sections 186.805, 334.065, 377.705, 388.42,
8422 388.43, 410.504, 1004.32, 1004.33, 1004.34, 1004.35, 1004.36,
8423 1004.38, 1004.381, 1004.382, 1004.383, 1004.44, 1004.46, 1004.47,
8424 1004.50, 1004.51, 1004.53, 1004.54, 1004.59, and 1004.63, Florida
8425 Statutes, are repealed. It is the intent of the Legislature that
8426 the repeal of ss. 186.805, 334.065, 377.705, 388.42, 388.43,
8427 410.504, 1004.32, 1004.33, 1004.34, 1004.35, 1004.36, 1004.38,
8428 1004.381, 1004.382, 1004.383, 1004.44, 1004.46, 1004.47, 1004.50,
8429 1004.51, 1004.53, 1004.54, 1004.59, and 1004.63, Florida
8430 Statutes, by this act is to remove existing statutory
8431 authorization that is no longer necessary for the establishment,
8432 operation, or maintenance of the entities that were established,
8433 operated, or regulated under those provisions and does not affect
8434 the authority of a state university or the Board of Governors of
8435 the State University System under s. 7, Art. IX of the State

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8436 | Constitution and s. 1001.705, Florida Statutes, to continue such
8437 | entities and their operation and regulation in accordance with
8438 | that authority.
8439 | Section 189. Sections 288.705, 458.3147, 689.12, 741.03055,
8440 | 741.03056, 1001.72, 1004.26, 1007.261, 1007.31, 1007.32, 1008.51,
8441 | 1010.60, 1010.61, 1010.611, 1010.612, 1010.613, 1010.614,
8442 | 1010.615, 1010.616, 1010.617, 1010.618, 1010.619, 1011.4105,
8443 | 1012.92, 1012.94, and 1012.95, Florida Statutes, are repealed.
8444 | Section 190. This act shall take effect July 1, 2006.

Section Directory for the Draft of the Colleges & Universities Proposed Committee Bill

Section 1: Amends s. 20.055, F.S., relating to agency inspectors general, to require the Office of Inspector General of the Department of Education to perform all required duties and responsibilities for the State University System under the direction of the Chancellor of the State University System. (p. 26, line 728)

Section 2: Amends s. 20.15, F.S., relating to the Department of Education, to delete the reference to the Division of Colleges and Universities, require the State Board of Education and Commissioner of Education to consult with certain educational entities in assigning responsibilities within the department, and require the department to provide certain support services to the Board of Governors. (p. 26, line 735)

Section 3: Creates s. 20.155, F.S., relating to the Board of Governors of the State University System, to set up the organizational structure of the board by providing for certain rights and privileges, the head of the board, personnel, and certain powers and duties. (p. 27, line 765)

Section 4: Amends s. 23.21, F.S., relating to definitions for purposes of paperwork reduction, to update obsolete terminology. (p. 28, line 795)

Section 5: Amends s. 110.131, F.S., relating to other-personnel-services temporary employment, to update obsolete terminology. (p. 28, line 808)

Section 6: Amends s. 110.181, F.S., relating to Florida State Employees' Charitable Campaign, to correct a cross-reference. (p. 29, line 821)

Section 7: Amends s. 112.0455, F.S., relating to the Drug-Free Workplace Act, to remove obsolete rulemaking provision. (p. 29, line 830)

Section 8: Amends s. 112.19, F.S., relating to death benefits for law enforcement, correctional, and correctional probation officers, to update obsolete terminology. (p. 30, line 842)

Section 9: Amends s. 112.191, F.S., relating to death benefits for firefighters, to update obsolete terminology. (p. 30, line 849)

Section 10: Amends s. 112.312, F.S., relating to definitions for purposes of the code of ethics for public officers and employees, to revise the definition of "agency" to include the Board of Governors and each state university board of trustees. (p. 30, line 855)

Section 11: Amends s. 112.313, F.S., relating to standards of conduct for public officers, employees of agencies, and local government attorneys, to revise definition of "employee" to include provosts and update obsolete terminology. (p. 31, line 867)

Section 12: Amends s. 112.3135, F.S., relating to the definition of "agency" for purposes of restrictions on employment of relatives, to update obsolete terminology. (p. 33, line 950)

Section 13: Amends s. 112.3145, F.S., relating to the definition of "state officer" for purposes of disclosure of financial interests and clients represented before agencies, to update obsolete terminology. (p. 34, line 966)

Section 14: Amends s. 120.52, F.S., relating to definitions for purposes of the Administrative Procedures Act, to revise the definition of "agency" to include the Board of Governors and state university boards of trustees when acting pursuant to statutory authority derived from the Legislature. (p. 35, line 986)

Section 15: Amends s. 120.65, F.S., relating to the services and travel expenses of administrative law judges, to include the Board of Governors in the entities that must reimburse the Division of Administrative Hearings. (p. 36, line 1020)

Section 16: Amends s. 121.021, F.S., relating to definitions for purposes of the Florida Retirement System, to update obsolete terminology. (p. 36, line 1036)

Section 17: Amends s. 121.051, F.S., relating to participation in the Florida Retirement System, to provide for participation in the optional retirement program for certain state university faculty appointed on or after July 1, 2006. (p. 37, line 1055)

Section 18: Amends s. 121.35, F.S., relating to the optional retirement program for the State University System, to update obsolete terminology and provide effective dates. (p. 38, line 1092)

Section 19: Amends s. 159.703, F.S., relating to the creation of research and development authorities, to update obsolete terminology and effective date. (p. 41, line 1173)

Section 20: Amends s. 159.704, F.S., relating to the procedure for being designated as a research and development authority, to update obsolete terminology. (p. 42, line 1191)

Section 21: Amends s. 159.706, F.S., relating to the grandfather clause for research and development authorities, to include those authorities designated by the Board of Regents prior to July 1, 2001. (p. 42, line 1205)

Section 22: Amends s. 211.3103, F.S., relating to the levy of tax on severance of phosphate rock, to update obsolete terminology. (p. 43, line 1217)

Section 23: Amends s. 215.16, F.S., relating to appropriations and reductions from the General Revenue Fund for public schools, state institutions of higher learning, and community colleges, to remove unnecessary language. (p. 44, line 1248)

Section 24: Amends s. 215.20, F.S., relating to certain income and trust funds, to conform. (p. 45, line 1270)

Section 25: Amends s. 215.32, F.S., relating to state funds and segregation of trust funds, to include trust funds under the management of the Board of Governors. (p. 45, line 1293)

Section 26: Amends s. 215.559, F.S., relating to the Hurricane Loss Mitigation Program, to remove obsolete terminology. (p. 48, line 1376)

Section 27: Amends s. 215.82, F.S., relating to validation of certain bonds and when required, to correct a cross-reference. (p. 49, line 1392)

Section 28: Amends s. 216.0152, F.S., relating to the inventory of state-owned facilities or state-occupied facilities, to update obsolete terminology. (p. 50, line 1421)

Section 29: Amends s. 216.251, F.S., relating to limitations on salary appropriations, to remove reference to the State Board of Education. (*p. 51, line 1449*)

Section 30: Amends s. 220.15, F.S., relating to apportionment of adjusted federal income, to update obsolete terminology. (*p. 52, line 1471*)

Section 31: Amends s. 250.10, F.S., relating to appointment and duties of the Adjutant General regarding education assistance programs, to include the Board of Governors in the development of such programs and the adoption of rules. (*p. 53, line 1520*)

Section 32: Amends s. 252.385, F.S., relating to public shelter space for purposes of hurricane evacuation, to update obsolete terminology. (*p. 54, line 1538*)

Section 33: Amends s. 253.381, F.S., relating to sales of unsurveyed marshlands to upland owners, to remove reference to the State Board of Education. (*p. 55, line 1555*)

Section 34: Amends s. 255.02, F.S., relating to boards authorized to replace buildings destroyed by fire, to remove obsolete language. (*p. 55, line 1568*)

Section 35: Amends s. 255.043, F.S., relating to art in state buildings, to remove obsolete language. (*p. 55, line 1578*)

Section 36: Amends s. 255.102, F.S., relating to contractor utilization of minority business enterprises, to require the Office of Supplier Diversity to adopt rules in collaboration with the Board of Governors. (*p. 56, line 1592*)

Section 37: Amends s. 280.02, F.S., relating to definitions for purposes of the Florida Security for Public Deposits Act, revising definition of "public deposit" to include state university. (*p. 58, line 1654*)

Section 38: Amends s. 286.001, F.S., relating to the filing, maintenance, retrieval, and provision of copies of statutorily required reports, to update obsolete terminology. (*p. 59, line 1673*)

Section 39: Amends s. 286.036, F.S., relating to the Taxation and Budget Reform Commission, to remove Board of Regents and assign the commission administratively to the Office of Economic & Demographic Research. (*p. 61, line 1732*)

Section 40: Amends s. 287.012, F.S., relating to definitions for purposes of procurement, revising definition of "agency" to include the Board of Governors. (*p. 61, line 1741*)

Section 41: Amends s. 287.064, F.S., relating to consolidated financing of deferred-payment purchases, to correct a cross-reference. (*p. 61, line 1753*)

Section 42: Amends s. 287.155, F.S., relating to the purchase of motor vehicles by certain entities, to update obsolete terminology. (*p. 63, line 1788*)

Section 43: Amends s. 288.15, F.S., relating to powers of the Division of Bond Finance, to include the Board of Governors as an entity authorized to cooperate with the division. (*p. 63, line 1806*)

Section 44: Amends s. 288.17, F.S., relating to revenue certificates issued by the Division of Bond Finance, to update obsolete terminology. (p. 65, line 1842)

Section 45: Amends s. 288.7091, F.S., relating to duties of the Florida Black Business Investment Board, Inc., regarding efforts to expand black business development, to include the Board of Governors in the entities with whom the Investment Board must develop memoranda of understanding. (p. 65, line 1851)

Section 46: Amends s. 288.8175, F.S., relating to linkage institutes between postsecondary institutions in this state and foreign countries, to remove Department of Education approval and require that each linkage institute be governed by an agreement between the Board of Governors and State Board of Education with a counterpart organization in a foreign country. (p. 65, line 1862)

Section 47: Amends s. 295.07, F.S., relating to preference in appointment and retention for purposes of veterans, to include certain equivalent positions. (p. 66, line 1872)

Section 48: Amends s. 320.08058, F.S., relating to collegiate license plates, to update obsolete terminology. (p. 66, line 1884)

Section 49: Amends s. 381.79., F.S., relating to the Brain and Spinal Cord Injury Program Trust Fund, to update obsolete terminology. (p. 66, line 1896)

Section 50: Amends s. 403.073, F.S., relating to the state goal, agency programs, and public education regarding pollution prevention, to update obsolete terminology. (p. 67, line 1912)

Section 51: Amends s. 403.074, F.S., relating to technical assistance by the Department of Environmental Protection, to update obsolete terminology. (p. 67, line 1922)

Section 52: Amends s. 409.908, F.S., relating to reimbursement of Medicaid providers, to update obsolete terminology. (p. 68, line 1931)

Section 53: Amends s. 413.051, F.S., relating to the operation of vending stands by eligible blind persons, to update obsolete terminology. (p. 69, line 1981)

Section 54: Amends s. 447.203, F.S., relating to definitions for purposes of public employees, to designate the Board of Governors or the board's designee as the "public employer" and "legislative body" of public employees of state universities and revise definition of "managerial employees" to conform. (p. 70, line 1992)

Section 55: Amends s. 455.2125, F.S., relating to consultation with postsecondary education boards prior to adoption of changes to training requirements for professions regulated by the Department of Business and Professional Regulation, to update obsolete terminology. (p. 72, line 2059)

Section 56: Amends s. 456.028, F.S., relating to consultation with postsecondary education boards prior to adoption of changes to training requirements for professions regulated by the Department of Health, to update obsolete terminology. (p. 73, line 2075)

Section 57: Amends s. 489.103, F.S., relating to exemptions for purposes of construction contracting, to update obsolete terminology. (p. 73, line 2091)

Section 58: Amends s. 489.503, F.S., relating to exemptions for purposes of electrical and alarm system contracting, to update obsolete terminology. *(p. 74, line 2109)*

Section 59: Amends s. 553.71, F.S., relating to definitions for purposes of the Florida Building Code, to add "board of trustees" to conform. *(p. 74, line 2127)*

Section 60: Amends s. 633.01, relating to the powers and duties of the State Fire Marshal, to correct cross-references. *(p. 75, line 2138)*

Section 61: Amends s. 650.03, F.S., relating to a federal-state agreement and interstate instrumentalities, to update obsolete terminology. *(p. 75, line 2151)*

Section 62: Amends s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute, to update obsolete terminology. *(p. 76, line 2160)*

Section 63: Amends s. 1000.01, F.S., relating to the Florida K-20 education system, to reference institutions of higher learning and other public education programs Florida residents may need. *(p. 76, line 2169)*

Section 64: Amends s. 1000.03, F.S., relating to the function, mission, and goals of the Florida K-20 education system, to remove duplicative language, limit State Board of Education oversight to non-state university system matters, and include Board of Governor oversight for the State University System. *(p. 76, line 2184)*

Section 65: Amends s. 1000.05, F.S., relating to the prohibition of discrimination against students and employees in the Florida K-20 public education system, to divide responsibilities for implementation of equal opportunity policies for school districts and community colleges to the Commissioner of Education and State Board of Education and for state universities to the Board of Governors, and limit role of the Office of Equal Educational Opportunity to school districts and community colleges. *(p. 78, line 2214)*

Section 66: Amends s. 1001.02, F.S., relating to general powers of the State Board of Education, to remove powers and duties that relate solely to state universities and require consultation or coordination with the Board of Governors on matters that involve universities as well as other education sectors, provide for exceptions, revise reporting requirements relating to financial aid, and conform. *(p. 82, line 2347)*

Section 67: Amends s. 1001.03, F.S., relating to specific powers of the State Board of Education, to provide for exceptions to statewide enforcement by the State Board, require consultation with the Board of Governors when managing information databases and common placement testing for public postsecondary education, and remove state universities from cyclic review of academic programs by the State Board. *(p. 92, line 2635)*

Section 68: Amends s. 1001.10, F.S., relating to the general powers and duties of the Commissioner of Education, to include the Board of Governors in the K-20 budget recommendation and revise submission date. *(p. 93, line 2667)*

Section 69: Amends s. 1001.11, F.S., relating to other duties of the Commissioner of Education, to require annual report and remove certain provisions to conform. *(p. 98, line 2799)*

Section 70: Amends s. 1001.20, F.S., relating to the Department of Education under the direction of the state board, to transfer responsibilities regarding the need for investigations of state universities by the Office of Inspector General from the Commissioner of Education to the Chancellor of the State University System. (p. 99, line 2823)

Section 71: Amends s. 1001.25, F.S., relating to educational television, to correct a cross-reference. (p. 100, line 2856)

Section 72: Amends s. 1001.28, F.S., relating to distance learning duties of the Department of Education, to include the Board of Governors as an entity whose powers and duties are not changed by the provisions of this section. (p. 100, line 2867)

Section 73: Amends s. 1001.64, F.S., relating to powers and duties of community college board of trustees, to correct a cross-reference. (p. 102, line 2919)

Section 74: Amends s. 1001.70, F.S., relating to the Board of Governors, to include provisions regarding travel and per diem expenses for members of the board and provide postsecondary access guidelines. (p. 102, line 2926)

Section 75: Creates s. 1001.706, F.S., relating to the powers and duties of the Board of Governors of the State University System subject to the powers of the Legislature, to outline the powers and duties of the board. (p. 103, line 2951)

Section 76: Amends s. 1001.71, F.S., relating to membership of the university boards of trustees, to clarify the boards are part of the executive branch of state government and remove certain board member requirements. (p. 111, line 3186)

Section 77: Amends s. 1001.73, F.S., relating to university boards acting as trustees, to replace the State Board of Education with the Board of Governors, correct a cross-reference, and subject certain agreements to the provisions of s. 1010.62. (p. 112, line 3205)

Section 78: Amends s. 1001.74, F.S., to revise the powers and duties of university boards of trustees. (p. 113, line 3238)

Section 79: Amends s. 1001.75, F.S., to revise the powers and duties of university presidents. (p. 122, line 3494)

Section 80: Amends s. 1002.35, F.S., relating to the New World School of Arts, to require the State Board of Education to consult with the Board of Governors in the assignment of university partnerships for the school. (p. 125, line 3558)

Section 81: Amends s. 1002.41, F.S., relating to home education programs, to conform and prohibit requiring curriculum documentation under certain conditions. (p. 126, line 3583)

Section 82: Amends s. 1004.03, F.S., relating to program approval of public postsecondary education, to transfer responsibilities of the State Board of Education to the Board of Governors regarding new program approval at state universities, provide guidelines for criteria, and requires Legislative approval for certain new programs. (p. 126, p. 3595)

Section 83: Amends s. 1004.04, F.S., relating to public accountability and state approval for teacher preparation programs, to include the Board of Governors as a recipient of a department report. (p. 127, line 3632)

Section 84: Amends s. 1004.07, F.S., relating to student withdrawal from courses due to military service, to provide that policies of school districts and community colleges follow State Board of Education guidelines and policies of state universities follow Board of Governors guidelines. (p. 129, line 3671)

Section 85: Amends s. 1004.21, F.S., to remove legislative intent and reference constitutional provisions providing that state universities are part of the executive branch and are administered by boards of trustees. (p. 129, line 3696)

Section 86: Amends s. 1004.22, F.S., relating to divisions of sponsored research at state universities, to replace the State Board of Education with the Board of Governors and require universities to follow guidelines of the Board of Governors when creating divisions of sponsored research. (p. 130, line 3705)

Section 87: Amends s. 1004.24, F.S., relating to authorization of the State Board of Education to secure liability insurance, to replace State Board with the Board of Governors or the board's designee. (p. 132, line 3756)

Section 88: Amends s. 1004.25, F.S., relating to payment of costs of civil actions by state universities, to permit recovery of certain attorney's fees. (p. 134, line 3832)

Section 89: Amends s. 1004.28, F.S., relating to direct-support organizations, to define "property," provide for guidelines and rules of the Board of Governors, replace references to the State Board of Education with the Board of Governors, require compliance with s. 1010.62 where appropriate, and correct a cross-reference. (p. 135, line 3861)

Section 90: Amends s. 1004.29, F.S., relating to university health services support organizations, to reference rules and guidelines of the Board of Governors and replace the State Board of Education with the Board of Governors. (p. 137, line 3916)

Section 91: Amends s. 1004.39, F.S., relating to the college of law at Florida International University, to remove obsolete language and replace the State Board of Education with the Board of Governors. (p. 138, line 3938)

Section 92: Amends s. 1004.40, F.S., relating to the college of law at Florida Agricultural and Mechanical University, to remove obsolete language and replace the State Board of Education with the Board of Governors. (p. 140, line 4000)

Section 93: Amends s. 1004.41, F.S., relating to the J. Hillis Miller Health Center at the University of Florida, to authorize the University of Florida board of trustees to utilize certain revenues. (p. 142, line 4065)

Section 94: Amends s. 1004.43, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute, to transfer State Board of Education responsibilities to the Board of Governors. (p. 143, line 4080)

Section 95: Amends s. 1004.445, F.S., relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, to transfer State Board of Education responsibilities to the Board of Governors. (p. 152, line 4336)

Section 96: Amends s. 1004.58, relating to the Leadership Board for Applied Research and Public Service, to provide for the Department of Education to staff the Leadership Board, revise the purpose to include advising the Board of Governors, State Board of Education, and Legislature on certain issues, and include the Board of Governors as a report recipient. (p. 159, line 4545)

Section 97: Amends s. 1005.03, F.S., relating to the designation "college" or "university," to remove obsolete terminology. (p. 161, line 4607)

Section 98: Amends s. 1005.06, F.S., relating to institutions not under the jurisdiction or purview of the Commission for Independent Education, to remove obsolete terminology. (p. 162, line 4623)

Section 99: Amends s. 1005.22, F.S., relating to powers and duties of the Commission for Independent Education, to conform. (p. 162, line 4638)

Section 100: Amends s. 1006.53, F.S., relating to religious observances, to remove reference to the State Board of Education rules and require each public postsecondary institution to adopt its own policy. (p. 162, line 4646)

Section 101: Amends s. 1006.60, F.S., relating to codes of conduct and disciplinary measures for students and student organizations and providing rulemaking authority, to include rules adopted by the Board of Governors. (p. 163, line 4661)

Section 102: Amends s. 1006.61, F.S., relating to penalties for participation by students in disruptive activities at public postsecondary educational institutions, to include Board of Governors policies for students who attend state universities. (p. 163, line 4672)

Section 103: Amends s. 1006.62, F.S., relating to expulsion and discipline of students of community colleges and state universities, to include rules or regulations of the Board of Governors for students who attend state universities. (p. 164, line 4684)

Section 104: Amends s. 1006.65, F.S., relating to safety issues in courses offered by public postsecondary educational institutions, to require the State Board of Education to adopt rules for community colleges and require the Board of Governors to adopt rules for state universities. (p. 165, line 4711)

Section 105: Amends s. 1006.71, F.S., relating to gender equity in intercollegiate athletics, to transfer responsibilities relating to state universities from the Commissioner of Education and the State Board of Education to the Chancellor of the State University System and Board of Governors, and add the Legislature as a recipient of both annual assessments. (p. 165, line 4729)

Section 106: Amends s. 1007.01, F.S., relating to the legislative intent, purpose, and role of the State Board of Education regarding articulation, to require the State Board of Education to recommend policies and guidelines to the Legislature with input from the Board of Governors. (p. 169, line 4819)

Section 107: Amends s. 1007.22, F.S., relating to articulation and postsecondary institution coordination and collaboration, to encourage institutional boards to establish programs to maximize articulation. *(p. 169, line 4841)*

Section 108: Amends s. 1007.23, F.S., relating to the statewide articulation agreement, to provide purpose, require the State Board of Education to receive input from the Board of Governors, remove the State Board rule reference, and revise provisions relating to admissions. *(p. 170, line 4855)*

Section 109: Amends s. 1007.24, F.S., relating to the statewide course numbering system, to provide purpose and legislative intent, and require the State Board of Education to receive input from the Board of Governors when approving course levels. *(p. 171, line 4898)*

Section 110: Amends s. 1007.25, F.S., relating to general education courses, common prerequisites, and other degree requirements, to provide purpose and transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 173, line 4950)*

Section 111: Amends s. 1007.262, F.S., relating to foreign language competence and equivalence determinations, to remove a cross-reference and provide an exemption. *(p. 176, line 5022)*

Section 112: Amends s. 1007.264, F.S., relating to admission to postsecondary educational institutions for impaired and learning disabled persons, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 176, line 5045)*

Section 113: Amends s. 1007.265, F.S., relating to graduation, study program admission, and upper-division entry for impaired and learning disabled persons, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 177, line 5063)*

Section 114: Amends s. 1007.27, F.S., relating to articulated acceleration mechanisms, providing purpose, conforming provisions, and removing obsolete study language. *(p. 178, line 5084)*

Section 115: Amends s. 1007.28, F.S., relating to computer-assisted student advising system, to require the Department of Education to establish and maintain the system and require the State Board of Education to collaborate with the Board of Governors regarding roles and responsibilities for the system. *(p. 181, line 5181)*

Section 116: Amends s. 1007.33, F.S., relating to site-determined baccalaureate degree access, confirming provisions. *(p. 183, line 5230)*

Section 117: Amends s. 1008.29, F.S., relating to college-level communication and mathematics skills examination (CLAST), to provide purpose, require the State Board of Education to consult with the Board of Governors regarding minimum passing scores and exemptions from testing requirements, and authorize the State Board and Board of Governors to set certain exam fees for their respective institutions. *(p. 184, line 5254)*

Section 118: Amends s. 1008.30, F.S., relating to common placement testing for public postsecondary education, to remove reference to State Board of Education rules and require each public postsecondary institution to provide certain modifications for students with disabilities, and require the State Board to consult with the Board of Governors regarding certain college-prep requirements. (p. 186, line 5321)

Section 119: Amends s. 1008.31, F.S., relating to the legislative intent, performance-based funding, mission, goals, and systemwide measures of Florida's K-20 education performance accountability system, to transfer responsibilities relating to performance measures and standards for state universities from the State Board of Education to the Board of Governors, require both boards to recommend systemwide performance standards to the Legislature, revise goals and measures of the K-20 performance accountability system, provide for reporting and data collection requirements, and include the Board of Governors as a report recipient. (p. 188, line 5376)

Section 120: Amends s. 1008.32, F.S., relating to State Board of Education oversight enforcement authority, to limit authority to school districts and community colleges and their respective boards. (p. 192, line 5480)

Section 121: Creates s. 1008.321, F.S., relating to the Board of Governors of the State University System oversight enforcement authority. (p. 194, line 5536)

Section 122: Amends s. 1008.345, F.S., relating to the implementation of the state system of school improvement and education accountability, to include the Board of Governors as a recipient of certain information, require both the State Board of Education and Board of Governors approval of CLAST skills and certain tests and assessment procedures, and require the Department of Education to perform certain functions required by the Board of Governors. (p. 195, line 5576)

Section 123: Amends s. 1008.37, F.S., relating to postsecondary feedback of information to high schools, to remove reference to State Board of Education rules and require the Commissioner of Education report to the Board of Governors. (p. 196, line 5616)

Section 124: Amends s. 1008.38, F.S., relating to the articulation accountability process, to require the State Board of Education consult with the Board of Governors in developing articulation accountability measures and establishing an articulation accountability process. (p. 197, line 5644)

Section 125: Amends s. 1008.45, F.S., relating to the community college accountability process, to conform. (p. 198, line 5672)

Section 126: Amends s. 1008.46, F.S., relating to the state university accountability process, to include the Board of Governors in the process of identifying standards and goals and transfer responsibilities of the State Board of Education to the Board of Governors. (p. 199, line 5689)

Section 127: Amends s. 1009.01, F.S., relating to definitions for purposes of educational scholarships, fees, and financial assistance, to provide a cross-reference and remove reference to rules of the State Board of Education. (p. 200, line 5725)

Section 128: Amends s. 1009.21, F.S., relating to determination of resident status for tuition purposes, to expand purpose to include determination of eligibility for state financial aid awards

and tuition assistance grants, revise definitions and qualification process, provide for reclassification and documentation requirements, and remove rulemaking provisions. (p. 201, line 5735)

Section 129: Amends s. 1009.24, F.S., revising provisions relating to state university tuition and fees. (p. 209, line 5969)

Section 130: Amends s. 1009.26, F.S., relating to fee waivers, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors, remove reference to rules of the State Board, authorize university boards of trustees to waive tuition and out-of-state fees under certain conditions, and require an annual report to the Board of Governors. (p. 219, line 6254)

Section 131: Amends s. 1009.265, F.S., relating to state employee fee waivers, to provide for distance learning courses and guidelines for determining space available, and prohibit use of waiver for certain courses. (p. 220, line 6286)

Section 132: Amends s. 1009.27, F.S., relating to deferral of fees, to remove references to rules of the State Board of Education. (p. 220, line 6300)

Section 133: Amends s. 1009.285, F.S., relating to fees for repeated enrollment in college-credit courses, to remove reference to definitions and fee levels established by the State Board of Education. (p. 221, line 6313)

Section 134: Amends s. 1009.29, F.S., relating to increased fees for funding financial aid programs, to replace reference to the State Board of Education with the State Board of Administration. (p. 222, line 6341)

Section 135: Amends s. 1009.40, F.S., relating to general requirements for student eligibility for state financial aid awards, to conform. (p. 223, line 6366)

Section 136: Amends s. 1009.90, F.S., relating to duties of the Department of Education, to include the Board of Governors as a report recipient and require the department to calculate amount of need-based aid required to offset fee increases recommended by both the State Board of Education and Board of Governors. (p. 224, line 6405)

Section 137: Amends s. 1009.91, F.S., relating to assistance programs and activities of the department, to require an annual report to the Board of Governors for information relating to state universities. (p. 224, line 6420)

Section 138: Amends s. 1009.971, F.S., relating to the Florida Prepaid College Board, to update obsolete terminology. (p. 225, line 6430)

Section 139: Amends s. 1009.98, F.S., relating to the Florida Prepaid College Program, to correct a cross-reference. (p. 226, line 6456)

Section 140: Amends s. 1010.01, F.S., relating to uniform records and accounts, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors and require a uniform classification of accounts. (p. 227, line 6489)

Section 141: Amends s. 1010.011, F.S., revising the definitions of certain terms for purposes of financial matters and planning and budget. *(p. 228, line 6511)*

Section 142: Amends s. 1010.02, F.S., relating to financial accounting and expenditures, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 228, line 6518)*

Section 143: Amends s. 1010.04, F.S., relating to purchasing, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 228, line 6528)*

Section 144: Amends s. 1010.07, F.S., relating to bonds or insurance required, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 229, line 6547)*

Section 145: Amends s. 1010.09, F.S., relating to direct-support organizations, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. *(p. 230, line 6567)*

Section 146: Amends s. 1010.30, F.S., relating to required audits, to transfer supervision of state universities from the State Board of Education to the Board of Governors. *(p. 230, line 6578)*

Section 147: Creates s. 1010.62, F.S., relating to revenue bonds and debt for state universities, to establish the process for revenue bonds and debt for state universities. *(p. 230, line 6586)*

Section 148: Amends s. 1010.86, F.S., relating to administration of capital improvement and building fees trust funds, to transfer administration of the trust funds from the State Board of Education to the Board of Governors. *(p. 238, line 6820)*

Section 149: Amends s. 1011.01, F.S., relating to the establishment of the budget system, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors and include coordination requirements between the two boards. *(p. 239, line 6835)*

Section 150: Amends s. 1011.011, F.S., relating to the legislative capital outlay budget request, to require the State Board of Education to consult with the Board of Governors for the universities budget request for educational facilities construction and fixed capital outlay needs. *(p. 240, line 6872)*

Section 151: Amends s. 1011.40, F.S., relating to budgets for universities, to transfer State Board of Education responsibilities to the Board of Governors and provide for direct university distribution of appropriated funds. *(p. 241, line 6882)*

Section 152: Amends s. 1011.41, F.S., relating to university appropriations, to include a contingency provision requiring compliance with certain tuition and fee policies and provide that failure by one university to comply will not affect the others. *(p. 242, line 6926)*

Section 153: Amends s. 1011.4106, F.S., relating to trust fund dissolution, to include local account appropriations and provide for repeal. *(p. 243, line 6939)*

Section 154: Amends s. 1011.48, F.S., relating to establishment of educational research centers for child development, to transfer State Board of Education responsibilities to the Board of Governors and correct a cross-reference. (*p. 244, line 6977*)

Section 155: Amends s. 1011.82, F.S., relating to requirements for participation in Community College Program Fund, to correct a cross-reference. (*p. 245, line 7011*)

Section 156: Amends s. 1011.90, F.S., relating to state university funding, to transfer State Board of Education responsibilities to the Board of Governors. (*p. 245, line 7020*)

Section 157: Amends s. 1011.91, F.S., relating to additional appropriations, to provide an exception, include a cross-reference, transfer State Board of Education responsibilities to the Board of Governors, and provide for repeal of appropriations and deposits to the State Treasury under certain conditions. (*p. 246, line 7044*)

Section 158: Amends s. 1011.94, F.S., relating to the trust fund for university major gifts, to remove references to New College, transfer State Board of Education responsibilities to the Board of Governors, remove authority for encumbrances, and revise match provisions. (*p. 247, line 7068*)

Section 159: Amends s. 1012.01, F.S., relating to definitions for purposes of personnel, to limit the meaning of terms to chapter 1012 and limit all terms to K-12 and community colleges. (*p. 250, line 7164*)

Section 160: Amends s. 1012.80, F.S., relating to participation by employees in disruptive activities at public postsecondary education institutions, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. (*p. 257, line 7344*)

Section 161: Amends s. 1012.801, F.S., relating to employees of the Division of Colleges and Universities, to update obsolete terminology. (*p. 257, line 7363*)

Section 162: Amends s. 1012.93, F.S., relating to faculty members and test of spoken English, to remove reference to rules of the State Board of Education and New College, require proficiency in English of certain faculty members, and Board of Governors approval of any test. (*p. 258, line 7375*)

Section 163: Amends s. 1012.97, F.S., relating to university police, to authorize state universities to provide for police officers. (*p. 258, line 7386*)

Section 164: Amends s. 1012.975, F.S., relating to remuneration of state university presidents and limitations on compensation, to revise definitions and expand employees covered by limitation on compensation to include provosts and community college presidents. (*p. 259, line 7410*)

Section 165: Amends s. 1012.98, F.S., relating to the School Community Professional Development Act, to remove obsolete language. (*p. 260, line 7444*)

Section 166: Amends s. 1013.01, F.S., relating to definitions for purposes of educational facilities, to exclude the Board of Governors from the definition of "board." (*p. 261, line 7459*)

Section 167: Amends s. 1013.02, F.S., relating to the purpose and rules of chapter 1013, Educational Facilities, to transfer the responsibilities relating to state universities from the State Board of Education to the Board of Governors. (p. 261, line 7469)

Section 168: Amends s. 1013.03, F.S., relating to functions of the Department of Education as it pertains to educational facilities, to include the Board of Governors for functions relating to state universities, revise utilization standards and require minimum five year review, require a report to the appropriate entity by all postsecondary institutions that request funding for additional classrooms, eliminate references to a specific office within the department, and remove obsolete language. (p. 261, line 7478)

Section 169: Amends s. 1013.12, F.S., relating to casualty, safety, sanitation, and fire safety standards and inspection of property, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors and require both boards be recipients of the annual report. (p. 268, line 7660)

Section 170: Amends s. 1013.15, F.S., relating to lease, rental, and lease-purchase of educational facilities and sites, to subject lease or lease-purchase agreements entered into by university boards of trustees to s. 1010.62 provisions. (p. 272, line 7797)

Section 171: Amends s. 1013.16, F.S., relating to conditions for construction of facilities on leased property, to require leases executed by a university board of trustees be subject to s. 1010.62 provisions. (p. 273, line 7804)

Section 172: Amends s. 1013.17, F.S., relating to university leasing in affiliated research and development park, to transfer responsibilities of the State Board of Education to the Board of Governors and subject leases to s. 1010.62 provisions. (p. 273, line 7810)

Section 173: Amends s. 1013.171, F.S., relating to university lease agreements for land and facilities, to authorize university boards of trustees to enter into certain agreements, transfer responsibilities of the State Board of Education to the Board of Governors, conform, and subject agreements to s. 1010.62 provisions. (p. 273, line 7823)

Section 174: Amends s. 1013.19, F.S., relating to purchase, conveyance, or encumbrance of property interests above surface of land and joint-occupancy structures, to subject any contract executed by a university board of trustees to s. 1010.62 provisions. (p. 275, line 7870)

Section 175: Amends s. 1013.25, F.S., relating to when university or community college board of trustees may exercise power of eminent domain, to require approval by the Administration Commission rather than the State Board of Education. (p. 276, line 7908) *Note: The Administration Commission is composed of the Governor and the members of the Cabinet and is created in s. 14.202, F.S.*

Section 176: Amends s. 1013.28, F.S., relating to disposal of property, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. (p. 277, line 7922)

Section 177: Amends s. 1013.31, F.S., relating to educational plant survey, localized need assessment, and PECO project funding, to eliminate references to specific offices within the Department of Education, remove references to State Board of Education rules and the term

"college," update obsolete terminology, and require Board of Governors approval of state university surveys. (p. 278, line 7962)

Section 178: Amends s. 1013.46, F.S., relating to advertising and awarding contracts and the prequalification of a contractor, to remove reference to State Board of Education rules. (p. 283, line 8106)

Section 179: Amends s. 1013.47, F.S., relating to substance of contract, contractors to give bond, and penalties, to include reference to Board of Governors rules. (p. 283, line 8117)

Section 180: Amends s. 1013.52, F.S., relating to cooperative development and joint use of facilities by two or more boards, to require Board of Governors review and approval for state university proposals. (p. 285, line 8156)

Section 181: Amends s. 1013.60, F.S., relating to legislative capital outlay budget request, to require information submitted by a university board of trustees be approved by the Board of Governors prior to submission to the Commissioner of Education. (p. 286, line 8178)

Section 182: Amends s. 1013.63, F.S., relating to University Concurrence Trust Fund, to transfer the trust fund from the Department of Education to the Board of Governors and remove reference to the State Board of Education. (p. 286, line 8197)

Section 183: Amends s. 1013.64, F.S., relating to funds for comprehensive educational plant needs and construction cost maximums for school district capital projects, to transfer responsibilities relating to state universities from the State Board of Education to the Board of Governors. (p. 287, line 8216)

Section 184: Amends s. 1013.65, F.S., relating to educational and ancillary plant construction funds, Public Education Capital Outlay and Debt Service Trust Fund, and allocation of funds, to require copies of each allocation and reallocation be provided to the Board of Governors. (p. 288, line 8253)

Section 185: Amends s. 1013.74, F.S., relating to university authorization for fixed capital outlay projects, to correct a cross-reference, transfer responsibilities of the State Board of Education to the Board of Governors, and subject projects to s. 1010.62. (p. 289, line 8280)

Section 186: Amends s. 1013.78, F.S., relating to approval required for certain university-related facility acquisitions, to provide an exception. (p. 290, line 8300)

Section 187: Amends s. 1013.79, F.S., relating to University Facility Enhancement Challenge Grant Program, to remove findings and intent language, transfer responsibilities of the State Board of Education to the Board of Governors, and remove naming prohibition. (p. 290, line 8308)

Section 188: Repeals s. 186.805, F.S., relating to the Data Bank on Older Floridians; s. 334.065, F.S., relating to the Center for Urban Transportation Research; s. 377.705, F.S., relating to the Solar Energy Center; s. 388.42, F.S., relating to John A. Mulrennan, Sr., Arthropod Research Laboratory; s. 388.43, F.S., relating to the Florida Medical Entomology Laboratory; s. 410.504, F.S., relating to the multidisciplinary center on elderly living environments; s. 1004.32, F.S., relating to New College of Florida; s. 1004.33, F.S., relating to The University of South Florida St. Petersburg; s. 1004.34, F.S., relating to The University of

South Florida Sarasota/Manatee; s. 1004.35, F.S., relating to Broward County campuses of Florida Atlantic University; coordination with other institutions; s. 1004.36, F.S., relating to Florida Atlantic University campuses; s. 1004.38, F.S., relating to Master of Science program in speech-language pathology; Florida International University; s. 1004.381, F.S., relating to Nursing degree program at University of West Florida; s. 1004.382, F.S., relating to Master's in social work program at Florida Atlantic University; s. 1004.383, F.S., relating to Chiropractic medicine degree program at Florida State University; s. 1004.44, F.S., relating to the Louis de la Parte Florida Mental Health Institute; s. 1004.46, F.S., relating to Multidisciplinary Center for Affordable Housing; s. 1004.47, F.S., relating to research activities relating to solid and hazardous waste management; s. 1004.50, F.S., relating to the Institute on Urban Policy and Commerce; s. 1004.51, F.S., relating to Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership; s. 1004.53, F.S., relating to Interdisciplinary Center for Brownfield Rehabilitation Assistance; s. 1004.54, F.S., relating to Learning Development and Evaluation Center; s. 1004.59, F.S., relating to the Florida Conflict Resolution Consortium; and s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security (FINDS). (p. 294, line 8421) *Note: These sections are repealed to remove existing statutory authority that is no longer necessary for the existence of these entities and this does not affect the authority of a state university or the Board of Governors to continue such entities and their operation and regulation.*

Section 189: Repeals s. 288.705, F.S., relating to statewide contracts register; s. 458.3147, F.S., relating to medical school eligibility of military academy students or graduates; s. 689.12, F.S., relating to state lands conveyed for educational purposes; s. 741.03055, F.S., relating to review of premarital preparation courses; pilot programs; questionnaire and curriculum; s. 741.03056, F.S., relating to informational questionnaire; s. 1001.72, F.S., relating to university boards of trustees; boards to constitute a corporation; s. 1004.26, F.S., relating to university student governments; s. 1007.261, F.S., relating to state universities; admissions of students; s. 1007.31, F.S., relating to limited access programs; s. 1007.32, F.S., relating to transfer students; s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; s. 1010.60, F.S., relating to State Board of Education; issuance of bonds pursuant to s.11(f), Art. VII, State Constitution; s. 1010.61, F.S., relating to powers; s. 1011.611, F.S., relating to resolution for issuance of revenue certificates; s. 1010.612, F.S., relating to powers to secure revenue certificates; s. 1010.613, F.S., relating to remedies of any holder of revenue certificates; s. 1010.614, F.S., relating to validity of revenue certificates; s. 1010.615, F.S., relating to prohibitions against obligating the state; s. 1010.616, F.S., relating to revenue certificate obligations of the State Board of Education; s. 1010.617, F.S., relating to tax exemption and eligibility as legal investments; s. 1010.618, F.S., relating to supplemental nature of part; construction and purpose; s. 1010.619, F.S., relating to Board of Administration acting as fiscal agent; s. 1011.4105, F.S., relating to transition from state accounting system (FLAIR) to university accounting system; s. 1012.92, F.S., relating to personnel codes of conduct; disciplinary measures; rulemaking authority; s. 1012.94, F.S., relating to evaluations of faculty members; report; and s. 1012.95, F.S., relating to university employment equity accountability program. (p. 295, line 8439)

Section 190: Provides for an effective date of July 1, 2006. (p. 295, line 8444)

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
		State, state university, and community college employee lobbyists; registration, recording attendance, penalty; exemptions	Requires the registration of any person lobbying for the SUS or community colleges.			
SU	11.061	Florida Commission on African-American Affairs	Requires the Commission to review state agency functional plans, LBRs, master plans, and policies of SBE for impact on AA	No Change		NC
SBE	14.27		Provides for definitions; establishes an Office of Inspector General in each state agency; provides for qualifications, duties, and annual report of an inspector general.	No Change		NC
	20.055	Agency inspectors general				Requires DOE Office of Inspector General to perform its duties for the SUS under the direction of the Chancellor of the SUS
					(3)(c) Delete - SUS 09/05 Delete (3)(c) - OPB 10/24/05	Deletes reference to DCU. Removes ubots from appointment requirements for ccbots. Requires SBE and COE to consult with other educational entities regarding division assignments. Requires DOE to provide certain support services to BOG
SBE	20.15	Department of Education	Designates SBE as head of DOE	No Change		Creates new section in ch. 20 that sets up organizational structure of BOG
	20.155	Board of Governors of the State University System	Provides for certain rights and privileges, head of the board, personnel, and certain powers and duties.			
	23.21	Definitions	Part II of ch. 23, F. S., relates to paperwork reduction	Remove BOR from the definition of department in (1). Insertion of BOG is not recommended. Remove State Board of Community Colleges.		Adds reference to SBE and BOG. Removes references to BOR & SBCC.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	92.16	Certificates of Board of Trustees of the Internal Improvement Trust Fund respecting ownership	Also references SBE References "other boards" of state.	Review - Land Use. Ensure alignment/ consistency with s. 1001.74 (31), F.S. regarding University Boards of Trustees. Should BOG be included?		NC
SBE	92.17	Effect of seal of Board of Trustees of the Internal Improvement Trust Fund	Also references SBE	Review - Land Use. Ensure alignment/ consistency with s. 1001.74 (31), F.S. regarding University Boards of Trustees. Should BOG be included?		NC
none	110.107	Definitions	Defines state agency	Revise to specifically exclude state universities from definition of state agency under Chapter 110. Add to (4) "however for the purposes of this chapter "agency" does not include the university boards of trustees or the state universities unless specifically provided herein."	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute - OPB 09/05	NC
SU	110.115	Employees of historical commissions; other state employment permitted	Permits staff and employees of commissions to teach at a state university and be paid from more than one appropriation.	No Change		NC
SU	110.1165	Executive branch personnel errors; limitation of actions for compensation	Provides for remedies for employees against the SU when the SU has presented them with erroneous written payroll data and they have relied on it. Provides a time limit on claims.	Review - Policy. If legislature wants to maintain current policy, leave SUS in this section.		NC
SU	110.117	paid holidays	Exempts certain SU employees from receiving a "personal holiday" each year	Given change to definition in 110.107 remove specific exemption for SUS, exempted by definition	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute - OPB 09/05	NC
SU	110.123	State group insurance program	Provides for inclusion of the SU and SU employees and retirees in the State Group Insurance Program	No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR	110.131	OPS temporary employment	Exception is provided for employees for whom the "employer" in 447.203(2) is BOR	Remove BOR in (6)(a). (No need to replace with exemption for SUS; exemption not required with change to definition in 110.107)	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05	Changes BOR to BOG or BOG's designee
	110.181	Florida State Employers' Charitable Campaign				Corrects cross-reference.
SU	110.1522	Model rule establishing family support personnel policies	Excludes the SU from the requirement to establish a model rule for family support personnel policies.	Given change to definition in 110.107, remove specific exemption for SUS, exempted by definition	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05	NC
SU	110.181	State employees, pretax benefit program	Includes SU employees in the pretax benefit plan with other state employees.	No Change		NC
SBE, SU	110.205	Career service exemptions	Relates to FSDB/SBE, exempts SU, FSDB, & SBE from career service provisions.	Given change to definition in 110.107 remove specific exemption for SUS, exempted by definition	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05	NC
BOR, SU	112.0455	Drug-Free Workplace Act	Authorizes BOR to adopt rules for SUS implementing the act	Replace BOR with BOG in (13)(d)		Deletes BOR rulemaking provision
SU	112.19	Law enforcement, correctional, and correctional probation officers; death benefits	Provides for waiver of tuition and fees UP to 120 hours for the dependents of certain deceased law enforcement personnel.	Review - Financial Assistance Program. Clarify that SBE adopts rules for program administration in DOE, for implementation in vocational-technical schools, and for implementation in community colleges. The BOG is responsible for implementation in the state universities.	Provide equivalent program at ICUF schools. - ICUF 10/25/05	Changes DOE to SBE

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	112.191	Firefighters' death benefits	Provides for education at a SU for the dependents of certain deceased firefighters.	Review - Financial Assistance Program. Clarify that SBE adopts rules for program administration in DOE, for implementation in vocational-technical schools, and for implementation in community colleges. The BOG is responsible for implementation in the state universities.	Provide equivalent program at ICUF schools - ICUF 10/25/05	Changes DOE to SBE
SBE SU	112.1915	Teachers and school administrators' death benefits	Relates to K-12/SBE. Death benefits include education for child at a state university.	Review - Financial Assistance Program. Clarify that SBE adopts rules for program administration in DOE, for implementation in vocational-technical schools, and for implementation in community colleges. The BOG is responsible for implementation in the state universities.	Provide equivalent program at ICUF schools - ICUF 10/25/05	NC
SU	112.215	Government employees' deferred compensation program	Includes employees of university boards of trustees in the definition of "employee" for purposes of participation in the deferred compensation program.	Review. Clarify that advisory council representative in (B)(a)4 a can be an employee of the state university system or the Division of Colleges and Universities.		NC
SU	112.24	Intergovernmental interchange of public employees	Provides the SU the authority to enter into public employee interchange agreements and allows for biennial extension of agreements for SU faculty.	No Change		NC
	112.312	Definitions	Defines "agency" for purposes of Part III of ch. 112 (Code of Ethics for Public Officers and Employees) and s.8, Art. II of State Constitution			Includes BOG and ubots in definition of "agency"

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR, SU, UBOT	112.313	Std's of conduct for public officers, employees of agencies, and local government attorneys	Postemployment restrictions; defines "employee" to mean the Chancellor and Vice Chancellors of the SUS; the general counsel to the BOR; president, vice presidents, and deans of each state university. (12)(h) exempts certain transactions made pursuant to ss. 1004.22 and 1004.23 and approved by UP and UBOT chair. Requires report to Legislature by UBOT chair.	Review. Recommend amending (9)(a)2.a.(V) to remove the "Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents" from the definition of "employee."	Recommended changes ok. This statute was amended by HB 1001 to prohibit legislative lobbyists from serving on BOG or UBOTs. - OPB 09/05	Changes BOR to BOG. Adds provosts to definition of "employee."
DU	112.3135	Restriction on employment of relatives	Exempts institutions under the jurisdiction of the Division of Universities of the Department of Education from the term "state agency"		Amend (1)(a)1. A state agency except an institution under the jurisdiction of the Florida Board of Governors Division of Universities of the Department of Education ; - SUS 09/05 Review in light of HB 1001 state agency status. Possibly amend (1)(a)1 to replace "Division of Universities of the Department of Education" with "Board of Governors." - OPB 10/24/05	Changes "Division of Universities of the Department of Education" to BOG
none	112.3143	Voting Conflicts	Related to voting on matters that would impact personal gain/loss, etc.	SUS: Amend to specifically apply provisions to UBOTs. This may already apply, look at 112.312(2)		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
BOR; SU	112.3145	Disclosure of financial interests and clients represented before agencies	Defines "state officer" to include a member of the Board of Regents, the Chancellor and Vice Chancellors of the SUS, and the president of a state university	Review. Amend (1)(c)2 to remove BOR. Use title "Chancellor of SUS" instead of "Chancellor of CU". Add UBOT - add new (e)?	Members. Statute already says "Chancellor and Vice Chancellors of SUS." - OPB 09/05	Changes BOR to BOG. Adds ubots.
SU	120.52	Definitions	Includes SU in definition of "Agency" in relation to the Administrative Procedures Act.	Amend the SUS out of Chapter 120 in favor of BOG procedure. May need a statute providing for access to courts for appeal of rule-making.	(6) Delete "or a state university" - SUS 09/05 Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05	Includes BOG and ubots in definition of "agency" when acting pursuant to authority derived from the Legislature
SU	120.55	Publication	Provides for exclusion of rules specific to one SU from the FAC and requires the FAC Weekly be provided free of charge to the SU libraries.	Amend the SUS out of Chapter 120 in favor of BOG procedure	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05 NC	
SBE; SU	120.65	Administrative law judges	Provides that the Division of Administrative Hearings shall be reimbursed by entities including state universities and the SBE for services	No change		Adds BOG to entities that must reimburse Div. of Admin. Hearings for certain expenses.
SU	120.81	Exceptions and special requirements, general areas	Provides SU with exemptions from certain sections of Chapter 120	Amend the SUS out of Chapter 120 in favor of BOG procedure	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05 NC	
BOR; UF; USF	121.021	Definitions	Definitions for purposes of FRS; references faculty practice plans operated by rule of the BOR	Replace BOR with UBOTs		Replaces "rule of the BOR" with "authorized by the BOG." Replaces UF and USF with general language

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR; UF; USF	121.051	Participation in the system	Excludes certain persons from participation in FRS; references faculty practice plans operated by rule of the BOR	Replace BOR with UBOTs		Includes BOG for certain faculty on or after 7/1/06.
SBE; SU; UP	121.35	Optional retirement program for the State University System	Includes SBE as "employer". Permits university presidents to participate in ORP	Review - Retirement. Review (2), (6)(a), and (6)(b) to decide role of BOG. Amend (2)(d) to change title to Chancellor of the SUS (instead of Chancellor of CU).	UBOT or BOG designate eligible positions. Employer is UBOT or BOG as appropriate. - SUS 09/05	Updates references to SBE. Changes Chancellor of DCU to Chancellor of SUS. General language for faculty practice. Provides effective dates.
BOR	159.703	Creation of research and development authorities	Prohibits R&D authorities from transacting business or exercising power until BOR has designated authority	DOE: Replace BOR with BOG. SUS: Replace BOR with UBOTs.	Replace BOR with UBOTs - SUS 09/05	Changes date. Changes BOR to BOG
BOR	159.704	Designation by BOR	Requires BOR to approve designation as an R&D authority	DOE: Replace BOR with BOG. SUS: Replace BOR with UBOTs.	Replace BOR with UBOTs - SUS 09/05	Changes BOR to BOG. Adds R&D authorities designated by BOR prior to July 1, 2001 to grandfather provision
	159.706	Grandfather clause	Provides grandfather clause for certain research and development authorities			
SBE	159.833	Definitions	Defines "board" as SBE for purposes of bond financing under the Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act Authorizes DEP to call to its assistance any engineer or other employee in any state agency department, or in UF or other state-financed educational institution to devise best methods for averting/preventing erosion, hurricane and storm damage Provides SU with an exemption from certain public service taxes.	Review - Bonding	NC- DBF 12/6/05 No Change Recommended - SUS 09/05	NC
UF	161.031	Personnel and facilities		No change		NC
SU	166.231	Municipalities, public service tax		No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR; SU	186.805	Data Bank on Older Floridians	Requires BOR, Division of Universities, DOE, to contract for operation and maintenance of data bank	Replace BOR with BOG	(2) Replace BOR with BOG; delete reference to "Division of Universities of the DOE" - SUS 09/05 (2)(b) Retain reference to "Institutions of the State University System" - SUS 09/05 Amend (2) to delete "Division of Universities." - OPB 10/24/05	Repeal
SBE	203.01	Tax on gross receipts for utility and communications services	Requires CFO to certify gross receipts collections upon request of SBE	Amend (1)(b) to add the BOG		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
DU	211.3103	Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.	Directs a certain portion of revenues for the tax on phosphate to the Division of Universities		4. To the credit of the Phosphate Research Trust Fund in the State University System. Division of Universities of the Department of Education, 9.3 percent. - SUS 09/05 Amend (2)(b)3 to replace "in the Department of Education, Division of Universities" with "managed by the Board of Governors." Amend (3)(b)4 to replace "in the Division of Universities of the Department of Education" with "managed by the Board of Governors." - OPB 10/24/05	Changes Department of Education, Division of Universities to BOG
SU	212.04	Admissions tax: rate procedure enforcement	Provides for an exemption from sales tax for certain universities and requires the SU to collect the tax and use it for women's athletics	No Change	(2): Replace "Division of Universities" with "State University System" Replace BOR with BOG - SUS 09/05 Amend (2) to replace "Division of Universities" with "State University System." - OPB 10/24/05	NC
BOR, DU	215.16	Appropriations for GR fund for public schools, state institutions of higher learning, and community colleges; reduction	Excluded funds appropriated for the general office of the Board of Regents from the general revenue funds provided for public free schools, state institutions of higher learning, and community colleges.	Requires further review -- Funding. Replace BOR with BOG		Removes unnecessary language.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
	215.20	Certain income and certain trust funds to contribute to the General Revenue Fund				Conforming to change made in 211.3103
BOR	215.32	State funds; segregation	References trust funds under the management of the SBE where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law.	Amend (2)(b)4.b. to replace BOR with UBOT		Adds trust funds under management of the BOG.
SBE	215.47	Investments; authorized securities loan of securities	Relates to certain bonds issued by the SBE	Review - Bonding	No change recommended 09/05	NC
SU	215.559	Hurricane Loss Mitigation Program	Relates to SU funding from DCA for hurricane loss research.	Replace outdated term "Type I Center" with descriptive language for State of Florida center. DOE suggested language: "state-focused, multi-university center"		Deletes reference to "Type I"
SBE	215.61	State system of public education capital outlay bonds	Relates to role of SBE in PECO bonds		NC- DBF 12/6/05	
		Validation; when required	Relates to certain bonds issued by the SBE	Review - Bonding	No change recommended 09/05	NC
SBE	215.82	Inventory of state-owned facilities or state-occupied facilities	Requires BOR and Division of Community Colleges of DOE to develop and maintain inventory of all higher ed facilities	Review - Bonding	NC- DBF 12/6/05	Corrects cross-reference.
BOR	216.0152	Consensus estimating conference, duties and principals	Relates to the Chancellor of the State University System designation as a principle on the Workforce Estimating Conference	Amend (1) to replace BOR and Division of Community Colleges with DOE	No change recommended - SUS 09/05	Deletes reference to BOR and DCC. Adds BOG for SUS facilities.
SU	216.136			No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
BOR; SBE; SU	216.251	Salary appropriations; limitations	References classification and pay plan approved and administered by the BOR for those positions in the SUS	Review. Amend (2)(a)3, to replace BOR with UBOT	No change needed. Statute amended by 2005-152, L.O.F., to replace BOR with BOG. - OPB 09/05	Deletes reference to SBE
SU	216.301	Appropriations; undisbursed balances	Relates to budget reversions for capital outlay funds for SU projects	No Change		NC
SU	216.346	Contracts between state agencies; restriction on overhead or other indirect costs	Relates to indirect costs charged when a SU is a contract recipient from the state	No Change		NC
BOR; SU	220.15	Apportionment of adjusted federal income	Requires BOR to certify contracts for members of SUS	Review - Federal. Clarify whether BOR in (4)(c) should be UBOT	(4)(c) Replace BOR with UBOT - SUS 09/05	Replaces BOR with BOG
SU	236.18*	Reemployment after retirement conditions and limitation	Relates to the SU reemploying retired members	No Change		NC
SBE	250.10	Appointment and duties of the Adjutant General	Requires Adjutant General and SBE to develop educational assistance programs for certain members of the National Guard who enroll in public postsecondary institutions	Amend (7) to add the "Board of Governors" to develop programs for the state university system; (7)(c) to add the "Board of Governors" for implementation of the program in the state university system.		Includes BOG in the development of education assistance programs and the adoption of rules.
BOR	252.385	Public shelter space	Designates BOR as responsible for coordinating survey of universities with the division or the local emergency management agency.	Amend (2) to replace BOR with UBOT and CCBOT		Changes BOR to ubot
SBE	253.381	Unsurveyed marshlands; sale to upland owners	Includes reference to SBE as well as Board of Trustees of the Internal Improvement TF	Review - Land Use	No change recommended - SUS 09/05	Deletes SBE
SBE	253.45	Sale or lease of phosphate, clay, minerals, etc. in or under state lands	Includes reference to SBE and any other state board	Review - Land Use	No change recommended SUS 09/05	NC
BOR	255.02	Boards authorized to replace buildings destroyed by fire	Specifically includes BOR	Replace BOR with UBOTS		Deletes reference to BOR

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR	255.043	Art in state buildings	Specifically includes BOR	Requires further review. Remove BOR reference.	Remove BOR reference - SUS 09/05	Deletes references to BOR
SU UBOT	255.051B	Bid protests by educational boards	Permit SU bot that uses ch. 120 process for bid protests relating to educational facilities or public buildings to require bond. Requires the Office of Supplier Diversity, in collaboration with the SUS, to adopt rules to determine "good faith effort" for purposes of contractor compliance with minority participation goals for competitively awarded building and construction projects.	No Change		NC
SU	255.102	Contractor utilization of minority business enterprises		No Change		Requires the Office of Supplier Diversity to adopt rules in collaboration with BOG.
SBE	255.502	Definitions, ss. 255.501-255.525	References certain bonds issued by the SBE		NC- DBF 12/6/05 No change recommended - SUS 09/05	
UWF	267.1732	Direct-support organization	Requires UWF to authorize a direct-support organization to assist UWF in carrying out its historic preservation duties for Pensacola, Escambia and West Florida	Review - Bonding		NC
		Contracts for sale of public lands to reserve certain mineral rights		No change		NC
SBE	270.11	prohibition on exercise of right of entry in certain cases	Includes reference to SBE as well as Board of Trustees of the Internal Improvement TF	No Change		NC
SU	279.02	Definitions	Includes SU in the definition of "public entity" for purposes of the "Registered Public Obligations Act"	No Change		NC
	280.02	Definitions	Provides definitions for purposes of the Florida Security for Public Deposits Act	No Change		Adds state university to the definition of public deposit.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	280.13	Eligible collateral	References obligations issued by the SBE	Review - Bonding	NC- DBF 12/6/05 No change recommended - SUS 09/05	NC
SU	282.0041	Definitions	Relates to definition of "total cost" in relation to IT donations to state universities. Assigns the functions of information technology to the university boards of trustees. Notwithstanding other provisions of law and assigns ubots responsibility for the development and implementation of planning, management, rulemaking, standards and guidelines as it relates to legislative findings and information technology and the state intent	Additional review required to consider whether inclusion of the university boards of trustees and Board of Governors is appropriate in (1). Currently unclear whether SUS included or not.	Clarify that the chapter does not apply to the state universities unless specifically referenced - SUS 09/05	NC
SU UBOT	282.005	SUNCOM Network, exemptions from the required use	Requires SU to use SUNCOM	No Change	No Change	NC
UBOT	282.103	Assignment of information resources management responsibilities	Notwithstanding other law and assigns function of information resources management to ubots	DOE, No Change. SUS Revise for permissive use (policy change)	No change recommended - SUS 09/05	NC
SU	282.3031	Professional medical liability of the ubots and nuclear liability excluded	Prohibits coverage from State Risk Management Trust Fund for ubots or the physicians, officers, employees of any board unless specifically authorized by DFS	No Change	No Change	NC
SU	284.34	Board of Trustees of the Internal Improvement Trust Fund as trustee to accept donations of and acquire property for Indians	References SBE and any other state board that holds title	No Change	No Change	NC
SBE	285.14			No Change	No Change	NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR; SBCC	286.001	Reports statutorily required; filing, maintenance, retrieval and provision of copies	Requires the filing of an abstract of reports by the BOR with the DOS and electronic copies be available when possible.	Amend (1); (2); (2)(b)1.; and (3) to replace BOR with BOG. Delete reference to State Board of Community Colleges		Replaces references to SBCC & BOR with SBE & BOG
BOR BOR; UBOT; SU	286.036 287.012	Taxation and Budget Reform Commission; powers Definitions	Assigned for administrative purposes to BOR Exempts SU and SU board of trustees from the definition of "agency".	Replace BOR with DOE in (5). No Change		Replaces BOR with the Office of Economic and Demographic Research Adds BOG to definition of agency
SU	287.045	Procurement of products and materials with recycled content	Relates to the use of re-cycled products by SU. Includes universities and bots in definition of "agency" for purposes of this section.	No Change		NC
SU	287.057	Procurement of commodities or contractual services	Allows agency to contract with SACS school on same basis as it would contract with SU	No Change		NC
SU	287.059	Private attorney services	Exempts SU from approval of Attorney General for procurement of attorney services	No Change		NC
	287.064	Consolidated financing of deferred-payment purchases				Corrects cross-reference.
SU	287.09451	Office of Supplier Diversity powers, duties, and functions	Exempts the state university construction program from supplier diversity requirements in the statute (???)	No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
DU	287.155	Motor vehicles; purchase by the Division of Universities, Department of Children and Family Services, Department of Health, Department of Juvenile Justice, and Department of Corrections	Authorizes the Division of Universities and several other agencies, with DMS approval, to purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of the Division of Universities		Change DU of DOE to "state universities". Change DU to "Florida Board of Governors". - SUS 09/05 Review - purchasing. Are universities currently required to follow DMS purchasing requirement? If yes, amend title to replace DU with "state universities", amend (1) to replace DU of DOE with "state university boards of trustees" and amend "DU" with "state university boards of trustees". If no, delete all reference to DU and DOE. - OPB 10/24/05	Changes first two references to Division of Universities of DOE to state universities. Changes last reference to Division of Universities to BOG.
SU	288.122g	Promotion and development of sports-related industries and amateur athletics. DSO powers and duties	Permits EOG to authorize use of SU facilities for Sunshine State Games.	No Change		NC
SBE	288.15	Powers of Division of Bond Finance	Authorizes SBE to cooperate with DBF	Review - Bonding	Add BOG in addition to reference to SBE-DBF 12/6/05 No change recommended - SUS 09/05	Adds BOG to the entities authorized to cooperate with DBF.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR	288.17	Revenue certificates	Specifically references state buildings requested by the BOR	Review - Bonding Replace outdated term "Type I Center" with descriptive language for State of Florida center. DOE suggested language: "state-focused, multi-university center"	Change BOR to BOG- DBF 12/6/05 No change recommended - SUS 09/05	Changes BOR to BOG
SU	288.705	Statewide contracts register	Relates to the Florida Small Business Development Center Procurement System.			Repeal
SBE	288.7091	Duties of the Florida Black Business Investment Board, Inc.	Requires board to develop memo of understanding with SBE, DOE, DOT, DCA, DMS, and AWI re efforts to expand black business	Remove SBE from (7)		Adds BOG to entities the Investment Board must develop memo with.
SU	288.8175	Linkage institutes between postsecondary institutions in this state and foreign countries	Relates to FI SU and CC creating relationships with foreign institutions.	No Change		Adds BOG and SBE to linkage institute agreement and deletes reference to FCCS and DOE approval.
SBE	295.01	Children of deceased or disabled veterans education	Requires SBE to develop rules re program	Review - Financial Assistance Program. Should be consistent with 112 19-1915 and other programs	Include ICUF schools - ICUF 10/25/05 No change recommended - SUS 09/05	NC
SU	295.07	Preference in appointment and retention	Exempts certain SU positions from veterans preference policies.	No Change		Includes equivalent positions
SU	315.540	Enforcement	Provides SU campus police with traffic enforcement authority	No Change		NC
BOR, SU	320.08058	Specialty license plates	Requires BOR to require each university to submit a plan for approval of all funds from sale of license plates	DOE/SUS: Replace BOR with UBOTS.	Consider replacing BOR with BOG. - OPB 09/05	Changes BOR to BOG
SU	331.305	Powers of the authority	Relates to the SU activities with the Florida Space Authority	Technical amendment to move NOTE about using funds for matching grant program into text of the statute		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
SU	331.367	Spaceport Management Council	Relates to the SU activities with The Spaceport Management Council. Established at USF to be administered by the BOR and SUS; requires BOR to confirm appointments to advisory board; requires BOR to submit budget.	Amend (2)(c) to add DCU as a recipient of council recommendations.		NC
BOR; SU	334.065	Center for Urban Transportation		Recommend amending (1) to delete BOR and SUS; (3) to delete BOR confirmation; and (4) to replace reference to BOR with SUS.		Repeal
SU	339.0605	Funds to be expended with certified disadvantaged business enterprises; specified percentage to be expended; construction management development program; bond guarantee program	Relates to SU training for the Construction Management Development Program.	No Change		NC
SU	369.252	Invasive exotic plant control on public lands	Relates to SU research on invasive plant eradication.	No Change		NC
SBE	372.023	J.W. Corbett and Cecil M. Webb Wildlife Mgt. Areas	References Board of Trustees of Internal Improvement TF, SBE, and other boards holding title, etc. in such lands	Review - Land Use	No change recommended - SUS 09/05	NC
SBE	373.543	Land held by Board of Trustees of the Internal Improvement Trust Fund; areas not taxed	References land the title of which is held by SBE	Review - Land Use	No change recommended - SUS 09/05	NC
SU	376.051	Powers and duties of the DEP	Relates to DEP's powers for conducting cleanups on lands owned by the state university system.	No Change		NC
BOR	377.705	Solar Energy Center; development of solar energy stds	Defines "center" as the Florida Solar Energy Center of the BOR	Amend (3)(a) to replace "of the Board of Regents" with "of the state university system."		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	380.06	Developments of regional impact	Exempts SU sports facility additions from statewide guidelines and standards for development with regional impact	No Change		NC
UBOT	380.0651	Statewide guidelines and aids	Relates to DIRs. Excludes institutions which are subject of a campus master plan adopted by a ubot	No Change		NC
SU	381.0301	Education and resource development	Requires the DOH, in cooperation with the SU, to manage the public health mission for the state. Creates TF to be appropriated to	No Change		NC
BOR	381.79	Brain and Spinal Cord Injury Program Trust Fund	DOH for purpose of providing cost of care for brain or spinal cord injuries for certain patients. Appropriates certain funds to UF and UM. Directs BOR to establish program administration process and receive program plans.	Requires further review. Replace BOR with ?	Change BOR to BOG - SUS 09/05 Replace first BOR reference with UBOT. Replace second and third refs with BOG. - OPB 09/05	Changes BOR to BOG
BOR	381.90	Health information systems council; legislative intent creation; appointment duties	Requires BOR to select representative from school of public health	No Change		"BOR" updated to "COE" in 2004 L.O.F.
FAMU	388.42	John A. Mulrennan, Sr., Arthropod Research Laboratory	Provides that the Mulrennan Arthropod Research lab located in Panama City shall be under the administration of FAMU and directs lab to research pesticides	No change		Repeal
BOR	388.43	Florida Medical Entomology Laboratory	Places lab under the supervision of the BOR. Lab is an operational unit of UF and an integral part of IFAS	Amend (1) to remove the phrase "under the supervision of the Board of Regents."		Repeal
SBE	402.401	Florida Child Welfare Student Loan Forgiveness Program; Pollution prevention; state goal; agency programs; public education	Requires DOE to administer the program. Requires SBE to adopt rules.	Move to 1009? (Existing language okay)		NC
SU	403.073		Requires the SU to develop and implement strategies to prevent pollution.	No Change		Replaces "SBCC" with community colleges

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	403.074	Technical assistance by the department	Requires DEP, in cooperation with the State University System, to provide onsite, nonregulatory technical assistance and promote and sponsor conferences on pollution prevention techniques.	No Change		Replaces "SBCC" with community colleges
SU	403.0896	Training and assistance for stormwater management system personnel	Stormwater Mgmt. Assistance Consortium of the SUS works in cooperation with CCs, private colleges and universities, and others to develop training and assistance programs for persons involved in stormwater mgmt. systems.	No Change		NC
SU	403.714	Duties of state agencies	Requires SUS to establish a recycling program, a solid waste reduction program, and encourage similar programs throughout the state system of education.	No Change		NC
SU	403.7145	Recycling	Requires SUS to collect and sell recyclable materials used in operation of facilities/offices.	No Change		NC
SU	403.74	Management of hazardous materials by government agencies	Requires governmental entities, including the SUS, to follow specific procedures regarding hazardous materials.	No Change		NC
SBE	408.017	Local Funding Revenue Maximization Act, legislative intent: revenue maximization program.	References Florida Board of Education.	Replace reference to Florida Board of Education with SBE in (3)(a).	No change needed. Statute was amended by 2004-5 L.O.F. to say "SBE" - OPB 09/05	NC
BOR	409.908	Reimbursement of Medicaid providers	Authorizes agency (AHCA?) to receive funds from the BOR	Replace BOR with UBOTs. Need to discuss with fiscal staff.		Change BOR to BOG

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR; SU	410.504	Multidisciplinary center on elderly living environments	Requires BOR to establish a multidisciplinary center on independent housing and other living environments for the elderly at one or more state universities. Requires each center to submit an annual report	Rewrite and repeal references to BOR.		Repeal
SU	411.242	Florida Education for Now and Babies Later (ENABL) program	Reference to Florida State University. Excludes property "under the control of the Board of Regents" from definition of state property	No Change		NC
BOR	413.051	Eligible blind persons; operation of vending stands	Directs the Shirnberg Center for Affordable Housing at UF to develop and maintain statewide data on housing needs and production, provide technical assistance, operate an information clearinghouse and coordinate state initiatives with local and federal programs	Replace BOR with UBOT		Changes BOR to ubot
UF	420.0003	State housing strategy	Requires the Shirnberg Center for Affordable Housing to undertake certain research, analysis and data collection activities, requires an annual report	No change		NC
UF	420.6075	Research and planning for affordable housing; annual housing report	Requires state agencies, including centers on aging in the SUS, to provide assistance to the DEA relating to the Office of Long-Term-Care Policy	No change		NC
SU	430.041	Office of Long-Term-Care Policy	Allows state universities to be self-insurers; however, reference to state universities will be deleted when text in the footnote becomes the primary text of the statute in the 2004 F.S.	No Change		Repealed by ch. 2005-80, L.O.F.
SU	440.38	Security for compensation; insurance carriers and self-insurers		No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
			Requires Workforce Florida, Inc to work with Board of Regents to determine eligible upper division program. DOE determines the eligible lower division programs and eligible career programs			
BOR	445.0124	Eligible programs	Requires SBE to adopt repayment schedule for Careers for Florida's Future Incentive Grant Program	Amend (3) to replace BOR with BOG	Statute repealed by 2005-255, L.O.F. - OPB 09/05	Repealed by ch. 2005-255, L.O.F.
SBE	445.0125	Repayment schedule	References Division of Workforce Development in DOE and regulations of SBE	No Change		Repealed by ch. 2005-255, L.O.F.
SBE	446.052	Preapprenticeship program		No Change		NC
SU; UBOT	447.203	Definitions Consultation with postsecondary education boards prior to adoption of changes to training requirements	Deems ubot as the public employer with respect to all public employees of a state university. Designates the ubot as the legislative body with respect to all employees of a state university	DOE: Repeal portion that relates to university employees in (2) and (10). SUS: No change.	No change recommended - SUS 09/05 Amend (2) and (10) to replace UBOT with BOG pursuant to HB 1001. - OPB 09/05	Replaces ubot with BOG or BOG's designee; makes conforming change.
BOR	455.2125	Consultation with postsecondary education boards prior to adoption of changes to training requirements	Requires licensing boards to consult with CIE, BOR, and SBE prior to adopting changes to training requirements.	Replace BOR with BOG		Replaces BOR with BOG.
BOR	456.028	Consultation with postsecondary education boards prior to adoption of changes to training requirements	Requires licensing boards to consult with CIE, BOR, and SBE prior to adopting changes to training requirements.	Replace BOR with BOG		Replaces BOR with BOG.
SU	458.3147	Medical school eligibility of military academy students or graduates	Requires medical schools in the SUS to admit FL residents that are graduates of US military academies under certain situations.	No Change		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
				Amend (1)(d) to split the recommendation of four nurse educators. Two nurse educators recommended by the Board of Governors, one of whom shall be a dean of a College of Nursing at a state university and two nurse educators recommended by the State Board of Education, one shall be a director of a nursing program in a state community college.	include ICUF deans- ICUF 10/25/05	
SBE, SU	464.0196	Florida Center for Nursing; board of directors	Requires SBE to recommend four nurse educators, one of whom must be the dean of a college of nursing at a state university.			NC
SU	468.909	Administration of this part; stds for certification; additional categories of certification	Establishes procedure for building code inspectors, plans examiners, and inspectors that had been employed by an educational board, DOE, or the SUS to continue such employment without a standard certificate.	No Change		NC
SU	468.517	Joint building code inspection department; other arrangements	Allows state universities, CCs, school boards, and state agencies to enter into contracts related to inspections.	No Change		NC
SU	487.0615	Pesticide Review Council	Requires the Council to advise government agencies, including the SUS, regarding their responsibilities related to pest control and allows the Council to request assistance from government agencies and the SUS to conduct relevant scientific studies.	No Change		NC
BOR	489.103	Exemptions	Exempts employees of the BOR from provisions relating to construction contracting. Prohibits dividing jobs in excess of a certain value into separate components for the purposes of evading provisions of section	Amend (3) to replace BOR with "state universities"		Replaces BOR with ubot. Replaces cc with ccbot.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
BOR	489.503	Exemptions	Exempts employees of the BOR from provisions relating to electrical and alarm system contracting. Prohibits dividing jobs in excess of a certain value into separate components for the purposes of evading provisions of section	Amend (3) to replace BOR with "state universities"	Amend (2) to replace BOR with "state universities." (3) not applicable. - OPB 09/05	Replaces BOR with ubot. Replaces cc with ccbot.
SU	553.71	Definitions	Designates a university in the SUS a local enforcement agency for purposes of enforcing building codes. Details the application of the Florida Building Code to state universities, community colleges, and school districts	No Change		Inserts "board of trustees" to be consistent
SU	553.80	Enforcement	Among other things, disburses certain state funds to FSU for the School of Chiropractic Medicine and to the Byrd Alzheimer's Center at USF	No Change		NC
SU USF	561.121	Deposit of revenue	Specifies that regulatory work shall be conducted by DACS.	Review (1)(a)4	Repeal (1)(a)4 - OPB 09/05	NC
UF	570.17	Division of work between department and experiment station and extension service	demonstrational work by the extension service of UF, and experimental and research work by the Experiment Station at UF	No change		NC
SU	570.92	Equestrian educational sports program	Requires the DACS to establish an equestrian educational sports program in at least one 4-year state university	No Change		NC
UF	581.021	Continuance of powers, duties, and jurisdiction in department, privileges	Specifies that the Division of Plant Industry and its employees shall be provided the same suitable quarters and faculty privileges by UF as the State Plant Board	No change		NC
SU	604.006	Mapping and monitoring of agricultural lands	Requires components of the SUS, as well as all state agencies, to cooperate with DCA in establishing a mapping and monitoring program of agricultural lands.	No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
UF	504.04	Administration of law	Directs the agricultural experiment station at UF to develop an energetic soil survey program as well as being responsible for overseeing cooperative efforts from federal, state, local levels.	No change	NC - DBF 12/6/05 No change recommended - SUS 09/05	NC
SBE	625.315	Obligations of SBE	References bonds and certain certificates issued by SBE Excludes employees or agents of a ubot providing services in support of any state university self-insurance program from provisions relating to insurance adjusters	Review - Bonding		NC
SU UBOT	626.852	Scope of this part Florida Sinkhole Insurance Facility and other matters related to affordability and availability of sinkhole insurance. feasibility study	Directs the FSU College of Business Dept of Risk Management and Insurance to conduct a study of a potential FL Sinkhole insurance Facility	No Change		NC
SU	627.7077	Professional liability claims and actions; reports by insurers and health care providers; annual report by office	Requires reports of claims or action for damages for personal injuries alleged to be the result of professional services provided by a ubot through an employee or agent of a ubot	No change		NC
SU UBOT	627.912	State Fire Marshal; powers and duties; rules		No Change		NC
	633.01					Corrects cross-references.
SU	633.72	Florida Fire Advisory Council	Requires one member of the Council to be appointed by the Chancellor of the SUS.	No Change		NC
SBE	641.35	Assets, liabilities, and investments	Permits hmo to invest in bonds and certain certificates issued by the SBE.	No Change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
BOR	650.03	Federal-state agreement; interstate instrumentalities	References employees of "institutions of higher learning under the Board of Regents who are covered by the Teachers Retirement System"	Review - Federal. Clarify appropriate replacement for BOR in (5).	Replace BOR with "employees of the State University System" - SUS 09/05	Changes BOR to BOG.
SBE	657.042	Investment powers and limitation	References obligations issued by the SBE	No Change	NC- DBF 12/6/05	NC
SBE	658.67	Investment powers and limitation	References obligations issued by the SBE	No Change	NC- DBF 12/6/05	NC
SBE	689.12	How state lands are conveyed for educational purposes	Requires title to all lands granted to or held by state for educational purposes to be conveyed by deed executed by members of the SBE within impression of the seal of the Board of Trustees of the Internal Improvement Trust Fund	Review - Land Use	No change recommended - SUS 09/05	Repeal
SBE	694.06	Deeds executed by the SBE	Validates certain deeds executed by the SBE	No Change		NC
SU	705.17	Exceptions	Exempts lost or abandoned property found in the SUS from typical statutory guidelines regarding such property	No Change		NC
SU	705.18	Disposal of personal property lost or abandoned on university or community college campuses or certain public-use airports; disposition of proceeds from sale thereof	Provides procedure for disposition of lost or abandoned property found on the campus of an institution in the SUS or a state supported CC.	No Change		NC
SU	721.301	Florida Timesharing, Vacation Club, and Hospitality Program	In conducting the program, the program's director must consult with the chancellor of the SUS.	No Change		NC
SU	741.03055	Review of premarital preparation courses; pilot programs; questionnaire and curriculum	Reference to Florida State University Center for Marriage and Family.	No Change		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
SU	741.03056	Informational questionnaire	Reference to Florida State University Center for Marriage and Family.	No Change		Repeal
SU	753.304	Supervised visitation projects	Reference to the Institute for Family Violence Studies at Florida State University	No Change		NC
FAMU	750.854	Center for Environmental Equity and Justice	Establishes the Center at FAMU within the Environmental Sciences Institute. Requires the center to sponsor students as interns at various agencies.	No change		NC
SU	756.314	Assessments, plan of operation	Infants delivered by agents or employees of a board of trustees of a SU do not count toward the initial assessment due under the Florida Birth-Related Neurological Injury Compensation Plan.	No Change		NC
SU	UBOT	Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs	Requires action against a ubot to be brought in county of university's main campus. Includes ubot in the definition of "state agencies or subdivisions". Provides that health care practitioner contracted to provide medical services to a student athlete is agent of ubot for sovereign immunity purposes but is not an employee or agent of the state for purposes of ch. 44C -- Worker's Compensation.	No Change		NC
SU	932.7055	Disposition of liens and forfeited property	Provides that proceeds from a seizure by an SUS police department be deposited into the SU's special law enforcement trust fund.	No Change		NC
BOR; SU	943.1755	Florida Criminal Justice Executive Institute	Establishes institute within FDLE and affiliated with SUS. Requires BOR, in conjunction with FDLE, to determine placement of the institute	Historical language - leave as is. Possibly a model for addressing similar institutes.		Changes BOR to BOG

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	945.091	Extension of the limits of confinement; restitution by employed inmates	Prohibits prisoners that committed certain offenses from attending classes at a state CC or a university in the SUS.	No Change		NC
BOR; SBE; SU; UBOT	1000.01	The Florida K-20 education system; technical provisions	Abolishes BOR; type II transfer to SBE. Provides for retention of SBE, COE, DOE, district school boards, ccbot, and ubot rules in effect on 1/2/03 until specifically amended or repealed in the manner provided by law.	No change		Includes reference to constitutional provision re establishment, maintenance, and operation of institutions of higher learning.
SBE	1000.03	Function, mission, and goals of the Florida K-20 education system	Permits SBE to appoint ad hoc committees. Requires SBE to oversee enforcement of laws and rules and provision of direction, resources, assistance and intervention. Requires COE to enforce compliance with K-20 mission and goals. Requires COE to operate all statewide functions necessary to support SBE and K-20.	In 2(b), in between "all" and "laws" insert K-12 and community college. Strike current 2(c). Add a new 2(c): The Board of Governors shall oversee the enforcement of all state university laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.		Deletes duplicative language relating to ad hoc committees and COE. Limits SBE oversight to non-SUS matters. Adds similar language for BOG.
SBE; SU; UBOT	1000.05	Discrimination against students and employees in the Florida k-20 public education system	Requires SBE to adopt rules to implement the Florida Educational Equity Act. Requires SBE to impose monetary sanctions or other penalties for failure to comply. Lists functions of the Office of Equal Educational Opportunity of DOE including: requiring ubots to submit plan for implementation to DOE and requiring ubots to submit data demonstrating compliance. Permits SBE to penalize for failure to comply.	Recommend amending (5), (6)(f), and (6)(g) to recognize BOG/SUS; (6)(e) may need amending to recognize role of Chancellor/BOG.		Policy applies to all K-20. Limits role of COE and SBE in implementing to school districts and community colleges. BOG implements for state universities. Limits role of Office of Equal Education Opportunity to school districts and community colleges.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	1000.06	Display of flags	Requires all K-20 educational institutions to display the U.S. and Florida flags. Requires state university and community college presidents to brief governing boards on the results of fundraising for flag acquisition prior to approving funds to purchase flags.	No change		NC
SBE, SU	1001.02	General powers of the SBE	Chief implementing and coordinating body; rule-making authority; adopt comprehensive educational objectives for public ed; adopt long-range plans and short range programs for state system of public ed; supervise DOE – minimize articulation and transfer problems; adopt CLAST stds; adopt and submit K-20 budget; hold mtgs, etc., relating to state system of public ed; approve plans for cooperating with feds.	Clarify role of SBE with regard to K-12 and CC. Remove references to SU when appropriate. Require consultation/coordination with BOG in matters involving CCs and SUs.		Adds BOG where appropriate. Provides for exceptions. Deletes certain responsibilities. Revises reporting requirements relating to financial aid. Deletes references to CEPRI.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1001.03	Specific powers of the SBE	K-12 performance stds; DOE DSO; Professional certificates; professional teacher assoc; critical shortage areas; capital outlay and motor vehicle tax anticipation certificate resolutions; articulation; systemwide enforcement; MIS; CPT; nonpublic postsecondary ed; common definitions for postsecondary; program review; school district personnel	<p>DOE/SUS: Amend (7): "The SBE and the BOG shall develop..." amend (8): "state board rule by all school districts and community college district boards of trustees all public postsecondary educational institutions in accordance..." amend (9) to move function to DOE; amend (10): "the SBE and the BOG shall develop..." amend (13): "... all academic programs in community colleges and state universities at least..."</p> <p>DOE: Amend (6) so that SBE action is limited to K-12 and community colleges, add BOG for state universities. Needs review by bonding counsel. (Comment: Art. XII S.9 (d) of the Constitution directs revenue from motor vehicle licensing to schools and community colleges.</p>		Adds BOG where appropriate. Provides for exceptions. Deletes certain responsibilities.
SBE; UBOT	1001.10	Commissioner of Education; general powers and duties	Chief ed officer; advise and counsel with SBE on all matters pertaining to ed; submit K-20 budget recs; school improvement and educational accountability. Designates ubot as responsible for university performance and student performance	<p>DOE: Review. To the extent a separate provision does not address this, (7) and (11)(a) should be consistent with BOG approval of UBOT budgets, forwarded to SBE for submission with the K-12 budget as a package of the Governor.</p> <p>SUS: Preamble: Change K-20 to K-12 and CC's; (7) add BOG; (11) clarify to refer to K-12 and CC's; create a new (e): "The BOG is responsible for systemwide performance and accountability for the SUS"; (16) clarify K-20 reference to K-12 and CC's.</p>		Repositions certain language. Adds BOG expenditures in K-20 budget. Changes reporting date.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1001.11	Commissioner of Education; other duties	Responses to leg; allocate PECO; work with ccbots and ubots; recommend performance goals for K-20 information system.	DOE/SUS: Strike (4) because covered elsewhere. DOE: No change on (2)(a). Review (3) for clarification. SUS: Amend (2)(a): The COE shall recommend to the SBE performance goals addressing the K-12 and community college educational needs of the state for the K-20 education system... Florida's ability to meet the need for community college postsecondary degrees. In (3): Add the BOG.	Recommended changes ok. Review (2)(a) to eliminate references to CEPRI based on 2005-06 budget - OPB 09/05	Requires annual report. Deletes unnecessary language. Deletes references to CEPRI.
SBE; SU	1001.20	Department under direction of state board	Provides organizational structure of DOE	DOE: Review. SUS: Remove state university from (4)(e).		Adds separate provision for Chancellor and state universities.
SBE; SU	1001.25	Educational television	Requires SBE to approve policies re origination and transmission of all programs	Technical correction of statutory cross reference in (2)(b): s. 1006.26(1) should be s. 1001.26(1).		Corrects cross-reference.
SBE	1001.26	Public broadcasting program system	DOE administers program	No change		NC
SBE; SU; UBOT	1001.28	Distance learning duties	Duties of DOE with regard to distance learning. Clarifies that duties of DOE with regard to distance learning do not abrogate, supersede, alter, or amend powers and duties of ubot	Add BOG to flush left paragraph. In (17): Delete "pursuant to s. 1008.44" (doesn't exist); In (42) "...representatives of the Board of Governors and university boards of trustees..."		Adds BOG to entities whose powers and duties are not changed by this section's provisions.
SBE; SU; UBOT	1001.64	Community college boards of trustees; powers and duties	Relates to ccbots and SBE. Requires ccbot to implement a plan, in accordance with guidelines of SBE, for working with ubots			Corrects cross-reference.
BOG	1001.70	Board of Governors	Establishes BOG of SUS as a body corporate; provides for membership and staggered terms	No change		Adds provisions re travel and per diem. Adds K-20 access language.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
Created in 2005		Responsibility for the State University System under s. 7, Art. IX of the State Constitution; legislative findings and intent	Specifies legislative findings and intent. Defines terms. Specifies constitutional duties of the Legislature with regard to state universities			
	1001.705	Powers and duties of the Board of Governors of the State University System subject to the powers of the Legislature	Identifies powers and duties of BOG subject to powers of Legislature			NC
	1001.706		Provides for appointment of 5 members of each ubot by the BOG; provides for staggered terms; requires consideration of diversity and regional representation. Establishes ubot pursuant to s.7(c), Art. IX of the State Constitution. Directs university president to serve as executive officer and corporate secretary of the ubot. Requires UP to be responsible to ubot for operation of university and setting the agenda for meeting s of ubot.			Creates new section of law for certain powers and duties of BOG
BOG; UBOT; UP	1001.71	University boards of trustees; membership		No change	Delete (3) - SUS 09/05	Adds statement re executive branch. Deletes certain board member requirements.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT	1001.72	University boards of trustees; boards to constitute a corporation	Provides that ubots are not departments of the executive branch. Provides that ubots are acting as instrumentalities or agencies of the state for purposes of sovereign immunity	OPB: Still reviewing. DOE: This statute is a candidate for repeal or partial repeal due to Art. 9 s. 7, Fla. Const. To the extent amendment is preferred, recommended review of (2) and (3) and clarification that FSA 119 and 120 do not apply to it, as well as replacing SBE with BOG in (4). SUS: (3) - Delete UBOT as agency; (4) - Change SBE to BOG	No change to (1) and (5). Delete (2). In (3), delete sentence referencing 120.62. Replace sentence referencing ch. 607 with language providing that ch. 1001 controls in event of conflict. Change SBE to BOG in (4). - SUS 09/05 Needs further review to determine how HB 1001 provisions re SU state agency status affect this statute. - OPB 09/05 Repeal	
BOR; SBE; UBOT	1001.73	University board empowered to act as trustee	References appointments of and acts by BOR prior to 5/18/49; ratifies items heretofore executed by BOR	Recommend amending subsection (2) to replace SBE with BOG. Recommend review by state property lawyers.		Changes SBE to BOG. Deletes a cross-reference. Subjects agreements to provisions of s. 1010.62

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
				DOE: This statute is a candidate for repeal or partial repeal due to Art. 9, s. 7 Fla. Const. To the extent amendment is preferred, recommend universal replacement of SBE with BOG, modification of (4), and amend (7) to read "to the master's and specialist degree level." SUS: Keep: (1) - SBE to BOG; (2) - SBE to BOG; (5), (6), (7) - without SBE; (8), (10), (11), (12) - SBE to BOG; (13) - DOE to BOG; (14) - BOG; (15) - BOG; (16), (17), (18), (20), (21), (25), (26), (27) - SBE to BOG; (28), (30), (31), (32), (33), (34), (35), (36), (37), (38) - SBE to BOG; (39), (40), (41) - SBE to BOG. Amend (7) to read "to the master's and specialist degree level." Delete: (3), (4), (6), (9), (23), (24), (29).	Recommend replacement of SBE with BOG throughout any subsections retained. In light of the passage of HB 1001, recommend: Retain (3), (5), (6), (7), (8), (10-first paragraph only), (12), (13), (15), (16), (17), (18), (23), (24), (26), (27), (28), (30), (31), (34), (35), (36), (38), (39), (41) (4) - amend to reference the BOG regulation procedure - SUS	
SBE; SU; UBOT	1001.74	Powers and duties of university boards of trustees	Detailed provisions regarding the powers and duties of UBOT including specific information on its relationship with the SBE.	DOE: This statute is a candidate for repeal or partial repeal due to Art. 9, s. 7, Fla. Const. To the extent amendment is preferred, recommend replacement of SBE with BOG in (1), (3), (4), (5), (7), (11) and (13). SUS: (1) - Replace SBE with BOG; (3) - Delete SBE reference; (4) Replace SBE with BOG; (5) - Delete SBE reference; (7) Replace SBE with BOG; (11) Replace SBE with BOG; (13) Replace SBE with BOG; (18) - could be moved to s. 273.055	Repeal	Revised to reflect HB 1001. Eliminates references to SBE.
SBE; SU; UBOT; UP	1001.75	University presidents; powers and duties	Specifies powers and duties of university presidents			Revised to reflect HB 1001.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	1002.21	Postsecondary student and parent rights	Requires SUs and CCs to provide a student handbook and student ombudsman office	DOE: Recommend treatment similar to 1006.50. Repeat one or the other. SUS: (3) - add: "Except for matters relating to academic performance, public postsecondary education students may be expelled" (5) - remove "in accordance with the provisions of s. 1006.50"; (6) - remove "in accordance with the provisions of s. 1006.51."		NC
SBE	1002.22	Student records and reports; rights of parents and students; notification; penalty	Rights relating to records and reports - K-12 and postsecondary -- reference to rules of SBE	DOE: Recommend amending (3), (3)(a)4, (3)(c), (3)(d)3, and (4) to add BOG. SUS: Recognize current practice that for the state universities, UBOT's promulgate rules on this subject, not the SBE/BOG. Universities do not need this provision - FERPA controls. See s. 1006.52(1). COMMENT: May be separate issue.	Recognize current practice that for the state universities, UBOT's promulgate rules on this subject, not the SBE/BOG. Universities do not need this provision - FERPA controls. See s. 1006.52(1) - SUS 09/05	NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
					Amend (9)(c) as follows: "All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this subsection. The university assigned a lab school or charter lab school shall be the fiscal agent for these funds and all rules of the university governed, unless otherwise provided by law or rule of the SBE. The university board of trustees shall be the public employer of lab school or charter lab school personnel for collective bargaining purposes for lab schools in operation prior to the 2002-2003 fiscal year.	
SBE, SU, UBOT	1002.32	Developmental research (laboratory schools)	Requires SBE and Legislature approval for state universities to have lab schools. Requires SBE authorization for lab school to provide instruction beyond K-12. Requires SBE to adopt rules to implement section. Designates ubot as public employer of lab school personnel. Requires ballot process adopted by SBE. Permits appeals to SBE. Provides SBE with rule-making authority.	DOE: No change. SUS: Amend (9)(c) as follows. "All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this subsection for the university assigned a lab school or charter lab school shall be the fiscal agent for these funds, and all rules of the university governing, unless otherwise provided by law or rule of the SBE. The university board of trustees shall be the public employer of lab school personnel for collective bargaining purposes for lab schools in operation prior to the 2002-2003 fiscal year.	Employees of charter lab schools authorized prior to June 1, 2003, but not in operation prior to the 2002-2003 fiscal year shall be employees of the entity holding the charter and must comply with the provisions of s. 1002.33(12) - SUS 09/05	NC
SBE, SU	1002.33	Charter Schools		No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
SBE; SU	1002.35	New World School of the Arts	Requires SBE to designate one or more universities as partners	Amend (2)(a) to add "in consultation with the BOG" & "and BOG"; (3) to add "BOG"; (4) add "and BOG"		Requires SBE to consult with BOG.
SU	1002.41	Home education programs	Provides that home education students are eligible for admission at SUs.	No change		Conforming provision. Prohibits requiring curriculum documentation under certain conditions.
SBE; SU	1003.435	High school equivalency diploma program	Requires SBE to adopt rules and prescribe performance stds. provides that a high school equivalency diploma has equal standing with all other high school diplomas with regard to admission to a SU or CC.	No change		NC
SBE; SU	1004.03	Program approval	Details SBE role/responsibilities in the establishment of new programs at SUs. Authorizes the SBE to develop a curricula and general standards for teacher preparation programs and includes substantial rulemaking authority; allows CCs and SUs to develop preteacher and teacher education pilot programs with program approval by the SBE.	DOE: Recommend amending (1) and (1)(d) to replace SBE with BOG or repeal provision. SUS: Repeal (1) and (3)		Replaces SBE with BOG in (1). Clarifies that statute applies to new programs that will be supported by funds appropriated by the Legislature
SBE; SU	1004.04	Public accountability and state approval for teacher preparation programs	Authorizes SUs and CCs to develop courses for teachers, counselors, law enforcement, and other professionals to recognize symptoms of substance abuse.	No change		Adds BOG to report recipients
SU	1004.05	Substance abuse training programs	Prevents CCs, CC DSOs, SUs, and SU DSOs from purchasing anything from organizations that discriminate.	No change		NC
SU	1004.06	Prohibited expenditures		No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT	1004.07	Student withdrawal from courses due to military service; effect	Requires ubot to establish by rule and pursuant to guidelines of SBE, policies regarding students called to active military duty	Recommend adding BOG to first sentence.		Clarifies that policies of districts and CCs follow SBE guidelines; policies of SUS follow BOG guidelines
SU	1004.21	State universities; legislative intent	Designates SUs as public corporations operated by UBOTs.	DOE: No change. SUS: Repeal - section is duplicative and confusing, covered in 1001.72.	Needs further review to determine how HB 1001 provisions re: SU state agency status affect this statute. - OPB 09/05	References constitutional provisions. Provides that SUs are part of the executive branch and administered by ubots
SBE; SU; UBOT; UP	1004.22	Divisions of sponsored research at state universities	Authorizes ubots to adopt rules to administer section. Permits UP to exempt certain purchases from general purchasing requirement of the FS. Places authority over supervision and contracting for purchases to UPs.	DOE: Recommend amending (6)(a) and (6)(b) to replace SBE with BOG. SUS: (5); remove reference to s.112.061; (6)(a); replace SBE with BOG; (11); repeal; (12); repeal.	Replace SBE with BOG Add: (14) Notwithstanding the provisions of s. 216.351, s. 216.346 does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges. This is precisely the language that was found in the DSR statute prior to the first School Code rewrite. - SUS 09/05	Replaces SBE with BOG. Requires BOG guidelines.
SU	1004.23	Universities; powers; patents; copyrights; and trademarks	Gives SUs powers related to patent copyrights, and trademarks	DOE: No Change SUS: Repeal the last sentence in (6) requiring report to the Department of State		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT; UP	1004.24	SBE authorized to secure liability insurance	Authorizes SBE to secure liability insurance for SBE; ubot; faculty, employees, and agents of ubot; students at su; su or any college, school, institute, center, or program thereof including NFP. Requires approval of UP for NFP to participate in self-insurance program	Title, (1), (1)(a), (2), (3), (4), (5), & (6): replace SBE with UBOTs to reflect current practice.		Changes SBE to BOG or BOG's designee
SU	1004.25	State universities; payment of costs of civil action	Authorizes SUs to pay the costs necessary for defending a civil action brought against an office or employee of the SU.	DOE: No change. SUS: Add last line of s.10012.85(1) to this section to conform it with the language for CC's: "However, any attorney's fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his or her employment or acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee, or agent."		Adds language similar to 1012.85(1) to permit recovery of certain attorney's fees
SU; UBOT; UP	1004.26	University student governments	Permits ubot to establish student government on any branch campus or center. References disapproval of SGA internal procedure by UP.	No change		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/206 version)
SBE; SU; UBOT; UP	1004.28	DSO; use of property; board of directors; activities; audit; facilities	UBOTS must review and certify DSOs; authorizes ubot to permit use of property, etc.; permits chair of ubot to appoint rep to board of directors of DSO; requires annual audit in accordance with rules of AG and ubot. Requires DSO to submit certain IRS forms to UP	Recommend amending (5), (6), and (7) to replace SBE with BOG.		Defines "property" to exclude certain student fee revenues. Replaces references to SBE with BOG. References BOG guidelines. Requires compliance with s. 1010.62 where appropriate. Corrects a cross-reference.
SBE; SU; UBOT; UP	1004.29	University health services support organizations	Permits ubot to prescribe by rule conditions for certification of UHSSO; permits chair of ubot to appoint representative to board of directors. Requires approval of uhssso budget by UP	(5) Replace SBE with BOG		References rules and guidelines of BOG. Changes SBE to BOG
NC	1004.32	New College of Florida	Provides goals for the New College of Florida, directs New College to apply for accreditation, and provides the composition of the board of trustees	Review. Implementing legislation does not conform with Art. IX, s. 7	Conform with Art. IX, Sec. 7 of Constitution - SUS 09/05	Repeal
SBE	1004.33	The University of South Florida St. Petersburg	Requires the Campus Executive Officer to submit a legislative budget request consistent with SBE guidelines.	(2)(a): replace COE with UBOT and replace SBE with BOG.		Repeal
SBE	1004.34	The University of South Florida Sarasota/Manatee	Requires the Campus Executive Officer to submit a legislative budget request consistent with SBE guidelines.	(2)(a): replace COE with UBOT and replace SBE with BOG.		Repeal
SBE	1004.35	Broward County campuses of Florida Atlantic University; coordination with other institutions	Requires FAU and SBE to consult with Broward CC and FIU in coordinating course offerings.	Replace SBE with BOG		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; UBOT	1004.36	FAU campuses	Requires FAU bot to ensure both FAU campuses are partners in the overall policymaking and academic governance structures of the university; requires the SBE as part of its comprehensive master planning process to continue to evaluate the postsecondary needs in Broward County.	(4): replace SBE with BOG		Repeal
SU	1004.37	County or area extension programs cooperation between counties and UF and FAMU	Recognizes county extension agents are joint employees of SUs and federal and county governments	No change		NC
FIU	1004.38	Master of science program in speech-language pathology; Florida International University	Authorizes MS degree program in speech-language pathology at FIU	Review to determine if retaining in statute is necessary.		Repeal
UWF	1004.381	Nursing degree program at University of West Florida	Authorizes a BS in nursing at UWF	Review to determine if retaining in statute is necessary.		Repeal
FAU	1004.382	Master's in social work program at Florida Atlantic University	Authorizes a MSW program at FAU	Review to determine if retaining in statute is necessary.		Repeal
SU	1004.383	Chiropractic medicine degree program at Florida State University	Authorizes a chiropractic medicine degree program at FSU	No change	Repeal. - OPB 09/05	Repeal
SBE; UBOT	1004.39	College of law at FIU	Requires FIUbot to begin planning; permits FIUbot to accept funds; provides for termination of authority of FIUbot; provides for management of facilities by FIUbot; assigns responsibility to SBE to report on whether law school operations should be ceased if accreditation fails to occur within 5 years of the first graduating class.	No change		Removes obsolete language and changes SBE to BOG.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; UBOT	1004.40	College of law at FAMU	Requires FAMUbot to begin planning; permits FAMUbot to accept funds; provides for termination of authority of FAMUbot; provides for management of facilities by FAMUbot; assigns responsibility to SBE to report on whether law school operations should be ceased if accreditation fails to occur within 5 years of the first graduating class.	No change		Removes obsolete language and changes SBE to BOG.
UF	1004.41	University of Florida; J. Hillis Miller Health Center	Establishes the Miller Health Center at UF. Directs the UF Board of Trustees to lease the hospital facilities of Shands to a not-for-profit corporation to operate the hospital. Authorizes the UF Board of Trustees to increase/renovate the hospital facilities with the approval of the legislature. Allows UF to provide certain types of insurance to the not-for-profit corporation.	No change		Changes FAC to UF bot. Changes "appropriate" to "utilize"
SU UBOT	1004.42	FSU College of Medicine	Permits FSUbot to negotiate and purchase liability insurance for individuals or entities providing training, professionals employed by the school, and students of the school.	No change		NC
SBE; SU	1004.43	H. Lee Moffitt Cancer Center and Research Institute	Requires the SBE to enter into an agreement with a FL nonprofit corporation to operate the Moffitt Cancer Center; SUs are allotted 5 representatives on the corporations board of directors.	Needs additional review	Replace SBE with BOG. - OPB 09/05 Replace SBE with BOG. Include reference to corporate subsidiaries. - Moffitt Cancer Center 01/06	Replaces SBE with BOG

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1004.435	Cancer Control and Research	FL Cancer Control and Research Advisory Council advises the SBE on a number of cancer related issues. SBE awards grants and contracts and is given rulemaking authority	Amend (3)(b), (4)(f), (4)(i), (4)(m), (4)(o), (5), (5)(a), and (5)(c) to replace SBE with BOG		NC
UP	1004.44	Louis de la Parte Florida Mental Health Institute	Permits director to establish statewide advisory groups with approval of UP	No change		Repeal
SBE; SU	1004.445	Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute	Requires the SBE to enter into an agreement with a FL nonprofit corporation to operate the FL Alzheimer's Center and Research Institute; SUs are allotted 5 representatives on the corporation's board of directors.	Needs additional review	Replace SBE with BOG- Byrd Center 01/06 Replace SBE with BOG. - OPB 09/05	Replaces SBE with BOG
BOG SU UP	1004.447	Florida Institute for Human and Machine Cognition, Inc.	Requires BOG approval to establish NFP corporate subsidiaries requires approval by BOG of articles of incorporation; chair of BOG or designee serves on board of directors; requires annual audit and annual report to the BOG. Role of UP in determining universities share of income generated by university faculty from research activities at the Institute.	No change		NC
SU	1004.45	Ringling Center for Cultural Arts	References to Florida State University	No change		NC
SU	1004.46	Multidisciplinary Center for Affordable Housing	Requires the Center to work in conjunction with other SUS.	DOE: No Change. SUS: Technical comment -- UF's "College of Architecture" is now known as the "College of Design, Construction and Planning"		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1004.47	Research activities relating to solid and hazardous waste management	Research activities related to solid and hazardous waste mgmt. conducted by SUS are to be coordinated by the SBE; SBE must consult with DEP in developing research programs.	DOE: Recommend amending to replace SBE with BOG, replace "Type I" with "state-focused, multi-university center" and replace "COE" with "university president." SUS: Replace SBE with BOG; Replace COE with UF president; change "Type I Center" to new designated name; introductory language should be amended as follows: "... process involving an advisory board of university and non-university personnel appointed by..."		Repeal
FAMU	1004.50	Institute on Urban Policy and Commerce	Creates the Institute as a Type I Institute at FAMU. Requires the Institute to undertake certain activities; authorizes the Institute to establish regional centers, requires an annual report	Review. Recommend amending (1) to replace "Type I Institute" with "state focused, multi-university center."		Repeal
FAMU	1004.51	Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership	Creates the Initiative to be administered by the Institute on Urban Policy and Commerce at FAMU. Authorizes the Institute to conduct certain activities as part of the Initiative. Requires the Institute to develop selection criteria for grants awarded under the Initiative	No change		Repeal
SU	1004.53	Interdisciplinary Center for Brownfield Rehabilitation Assistance	Requires Center to work with other state universities	No change		Repeal
SBE; SU	1004.54	Learning Development and Evaluation Center	Refers to state universities; requires President of FAMU submit program report to SBE	Amend (5) to add BOG.		Repeal
SBE; SU; UP	1004.55	Regional autism centers	UP selects members of constituency board	No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments Recommended	Draft PCB Language (011206 version)
SBE, SU, UP	1004.58	Leadership Board for Applied Research and Public Service	5 UPs serve as members of the board – designated by COE	DOE/SUS: Recommend amending (1)(b) and (3) to replace SBE with BOG. SUS: Amend (1)(i) to replace COE with BOG.	changes ok. SUS comment should say amend (2)(i). - OPB 09/05	Provides for DOE to staff board. Revises purpose. Includes BOG as report recipient.
SU	1004.59	Florida Conflict Resolution Consortium	Establishes Consortium as statewide center at FSU or another campus	DOE: No Change. SUS: Replace COE with BOG.		Repeal
SU	1004.60	Research of Rosewood incident	Requires state universities to continue research	No change		NC
UF	1004.63	Florida Institute for Nuclear Detection and Security (FINDS)	Creates FINDS at UF, within the Department of Nuclear Engineering and Radiological Sciences. Directs the Dean of UF College of Engineering to appoint a director for the institute. Requires the institute to undertake certain activities.	No change		Repeal
SBE, SU	1004.73	St. Petersburg College	Relates to fees and SBE rules for St. Petersburg College	No change		NC
SBE	1004.78	Technology transfer centers at community colleges	Authorizes SBE to award, review and approve grants for technology transfer centers at community colleges	DOE: No Change. SUS: Amend (10) to include "This shall be in consultation with BOG to the extent state universities are involved."		NC
SBE, SU	1004.97	Florida Literacy Corps	Requires student to be enrolled in SU to be eligible for Corps. refers to SBE rule regarding passing score on postsecondary entry-level exam. requires DOE to submit annual report to SBE	No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
DCU	1005.03	Designation College or University	Restricts the use of the terms "college" and "university" to institutions defined in 1005.02		<p>The BOG is seeking clarification in the 2006 legislative session concerning its role with respect to the nonprofit independent higher education institutions. - SUS 09/05</p> <p>Amend (1)(d) to delete "under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are." - OPB 10/24/05</p>	Deletes DCU

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
DCU	1005.06	Institutions not under the jurisdiction or purview of the commission	Defines institutions that are exempt from licensure and are not subject to jurisdiction by the Commission for Independent Education.		The BOG is seeking clarification in the 2006 legislative session concerning its role with respect to the nonprofit independent higher education institutions. - SUS 09/05 Amend (1)(c) to delete "under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are." - OPB 10/24/05	Deletes DCU
	1005.22	Powers and duties of the Commission for Independent Education				Conforming
SU	1006.50	Student handbooks	Requires each state university to annually compile and update a student handbook	DOE: Recommend treatment similar to 1002.21. Repeal one or the other. SUS: Repeal - section is duplicative of s. 1002.21(5).		NC
SU	1006.51	Student ombudsman office	Requires a student ombudsman office at each state university	DOE: Recommend treatment similar to 1002.21. Repeal one or the other. SUS: Repeal - section is duplicative of s. 1002.21(5).		NC
SBE	1006.52	Student records	Relates to who prescribes contents of su and cc student records	No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1006.53	Religious observances	Requires public postsecondary institutions to adopt policies in accordance with SBE rules	DOE: Recommend treatment similar to 1002.21. SUS: Amend to remove reference to rules of the SBE - statute is sufficiently specific and detailed for institutional rulemaking.		Removes reference to SBE rules
SU		Universities, public	References rules adopted by ubot relating to exchange of documents	No change		NC
UBOT	1006.54	documents distributed to libraries	Requires HBCUs (including FAMU) to submit library enhancement plans to SBE. Requires submission of prioritized list of acquisitions to be submitted to college or UP.			
SBE, UP	1006.59	The Historically Black College and University Library Improvement Program	Permits each community college and state university to adopt by rule codes of conduct and discipline. Can include penalties for violation of institutional rules, SBE rules, local ordinances, etc.	No change		NC
SBE, SU	1006.60	Codes of conduct; disciplinary measures; rulemaking authority	Recognizes attendance at a public postsecondary institution as a privilege. Deemed consent to policies of the institution and SBE. Requires immediate expulsion for participation in disruptive activities. Provides that students at public postsecondary institutions are subject to federal and state laws, county and municipal ordinances, SBE rules, etc.	This statute is a candidate for repeal. To the extent amendment is preferred, modify (3) to add BOG. Recommend treatment similar to 1002.21.		Adds BOG rules.
SBE	1006.61	Participation by students in disruptive activities at public postsecondary educational institution; penalties	Permits presidents to suspend or expel or otherwise discipline students who violate.	This statute is a candidate for repeal. To the extent amendment is preferred, add BOG to (1). Recommend treatment similar to 1002.21.		Adds BOG policies for SU students.
SBE, SU	1006.62	Expulsion and discipline of students of community colleges and state universities	Authorizes state universities to impose fines and penalties for hazing; refers to adoption of anti-hazing policy and rules.	This statute is a candidate for repeal. To the extent amendment is preferred, change (1) and (3) to add BOG. Recommend treatment similar to 1002.21.		Adds BOG rules and regulations for SU students.
SU	1006.63	Hazing prohibited		No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1006.65	Safety issues in courses offered by public postsecondary educational institutions	Requires SBE to adopt safety policies re postsecondary courses	DOE: Recommend amending (1) to add "BOG or UBOTs." SUS: Amend (1) to read "The SBE and the UBOTs, as appropriate..."		Limits SBE rules to cc. Adds provision for BOG rules for SU.
UBOT	1006.66	Regulation of traffic at universities	Requires ubot to adopt rules that govern traffic	No change		NC
SU	1006.68	HIV and AIDS policy	Requires state universities to develop policy regarding HIV and AIDS	No change DOE: Recommend amending (1)(c), (1)(f), (2)(b), and (3)(a) to add BOG; amending (3) title and (3) to add BOG and UBOT. SUS: (1)(c): "The COE shall annually assess the progress of each cc's institution's plan and advise the SBE re compliance." Add a new (1)(d): "The Chancellor shall annually assess the progress of each su's plan and advise the BOG..." (1)(f): "The SBE or the BOG, as appropriate, shall..." (1)(f): "... COE or BOG, as appropriate..." approves a plan for compliance." (2)(b) - repeal; (3): remove title; "the SBE or BOG, as appropriate..." (2x)		NC
SBE; SU	1006.71	Gender equity in intercollegiate athletics	Requires the COE to annually assess institutional progress and advise SBE re compliance. Provides duties of SBE re noncompliance. Requires SBE to determine level of funding and support needed. Requires SBE to assure equity for female athletes. Requires SBE to establish reporting requirements			Adds BOG and Chancellor of SUS for provisions relating to state universities. Adds Legislature as recipient of annual assessment.
SBE	1007.01	Articulation; legislative intent; purpose; role of the SBE	Requires SBE to develop policies and guidelines to facilitate articulation and seamless integration of K-20 system	Review to add BOG to title and (2).		Have SBE "recommend" policies and guidelines to the Legislature with BOG input
SU; UBOT	1007.22	Articulation; postsecondary institution coordination and collaboration	Permits ubots to establish intrainstitutional and interinstitutional programs to maximize articulation	No change		Encourages institutional boards to establish programs to maximize articulation by replacing "may" with "are encouraged to."

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1007.23	Statewide articulation agreement	Requires SBE to establish statewide articulation agreement in rule	Review to add BOG to (1).		Provides purpose. Requires input of BOG and strikes SBE rule. Limits guaranteed admission for AA grads to Florida residents. Strikes other guaranteed admissions.
SU; UP	1007.235	District interinstitutional articulation agreements	Encourages each UP to designate a university representative to participate in the development of interinstitutional articulation agreements for each school district within the university service area	No change		NC
SBE; SU	1007.24	Statewide course numbering system	Requires DOE to develop, coordinate, and maintain a statewide course numbering system. Course levels are to be recommended by the COE to the SBE.	Recommend adding BOG to (2), (3) and (8)		Provides purpose and intent. Requires SBE to get BOG input.
SBE; SU	1007.25	General education courses; common prerequisites; and other degree requirements	Requires SBE approval for exception to common prerequisites. Requires SBE to approve bachelor degrees in excess of 120 hours. Requires SBE approval of programs where at least half of the required hours cannot be completed at a community college. Requires universities to grant AA under certain conditions.	Recommend amending subsections (5), (6), (8), (9), and (10) to add BOG approval for SUS.		Provides purpose. Limits SBE role to CCs and includes BOG for SUS
SBE; SU; UBOT	1007.261	State universities; admissions of students	References minimum admission standards adopted by the SBE or ubot	Recommend amending subsections (1)(b), (2), (3), (5), and (8) to replace SBE with BOG. Make technical correction to 2(d).		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
	1007.262	Foreign language competence; equivalence determination				Corrects cross-reference. Authorizes exemption.
SBE	1007.264	Impaired and learning disabled persons; admission to postsecondary educational institutions; substitute requirements; rules	Requires SBE to adopt Rules for exceptions to admission requirements for students with disabilities and to develop substitute admissions requirements.	Recommend adding BOG.		Limits SBE role to cc and includes BOG for SUS.
SBE	1007.265	Impaired and learning disabled persons; graduation, study program admission, and upper-division entry; substitute requirements; rules	Requires SBE to adopt Rules for students with disabilities for substitute requirements for graduation, study program admission, and upper-division entry. Requires state university to award credit for specific courses when certain exams are passed. Requires SBE to establish rules regarding cutoff scores and AICE and IB exams to receive postsecondary credit. Requiring such rules only apply to students taking test after Rules are adopted. Requires SBE conduct review of use of acceleration mechanisms and submit report to Legislature.	Recommend adding BOG.		Limits SBE role to cc and includes BOG for SUS.
SBE; SU	1007.27	Articulated acceleration mechanisms	Requires SBE to establish and maintain computer-assisted student advising system in DOE and to develop rules. Requires state universities to interface institutional system with SBE system. Requires ubot to monitor limited access programs and conduct periodic reviews to determine need for retention or removal of limited access status.	Recommend amending (2), (7), (8), and (9) to add BOG. Recommend repealing (10).		Provides purpose; deletes reference to SBE rules; deletes obsolete study language
SBE; SU	1007.28	Computer-assisted student advising system		Recommend replacing SBE in the first sentence with DOE. Add BOG for SUS rules to the fourth sentence.		Replaces SBE with DOE to set up advising system; removes intent language; and requires SBE to collaborate with BOG.
SBE; UBOT	1007.31	Limited Access Programs		Candidate for repeal or, alternatively, replace SBE with BOG in (1).		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
none	1007.32	Transfer students	Requires comparable registration processes and orientation programs for transfer students	DOE/SUS: Possible candidate for repeal.		Repeal
	1007.33	Site-determined baccalaureate degree access				Conforms provisions
			Provides that participants be students unlikely to seek admission to a state university. Requires SBE rules. Requires SBE to consider proposals for programs. Requires SBE to give preference to certain proposals. Provides that SBE receive recommendations for priority for funding of proposals.			
SBE, SU	1007.34	College reach-out program		No change		NC
			Requires SBE to set by rule the minimum scores for the CLAST and to consider negative impact on minority students. Requires SBE to establish by rule fees for administration of the CLAST. Refers to SBE established minimum scores required on nationally standardized exam to be exempt from CLAST and to SBE identified postsecondary-level coursework for remediation.			Provides purpose; inserts BOG collaboration re minimum scores and exemptions; limits SBE exam fee authority to community colleges; adds BOG fee language for state universities.
SBE	1008.29	College-level communication and mathematics skills examination (CLAST)		Recommend review of (4), (8), (9)(a), and (9)(b) to add BOG.		
						Deletes reference to rules re modifications for students with disabilities; requires institutions to provide modifications for students with disabilities; requires collaboration with BOG re college credit courses
SBE; SU; UBOT	1008.30	CPT for public postsecondary education	Authorizes ubot to contract with ccbot to provide remedial instruction	Review (1). Candidate for repeal, or alternatively replacing SBE with BOG or adding BOG.		

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1008.31	Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and system-wide measures	Refers to recommendations to Legislature from SBE regarding performance standards and measures for the public education system, including postsecondary educational institutions. Requires SBE to develop proposals for performance based funding, guiding principles for establishing sector-specific standards and measures, and maintain certain accountability system. Refers to information systems to be maintained by public postsecondary educational institutions to provide SBE information. Requires SBE to determine standards for required data.	Recommend review of (1)(d)-(e), (2)(b)-(c) to add BOG.	Recommend review of (1)(d)-(e) and (2)(b)-(c) to add BOG. Original (2)(c)-(d) repeated by 2005-56, L.O.F. - OPB 09/05	Requires SBE and BOG to recommend systemwide performance standards to Legislature and transfers SU responsibilities from SBE to BOG. Uses A++ language.
SBE	1008.32	SBE oversight enforcement authority	Requires SBE to oversee performance of public postsecondary educational institution boards in enforcement of laws. Authorizes SBE to request and receive information, data, and reports from institutions. Refers to report by DOE to SBE documenting compliance. Authorizes SBE to order compliance and to initiate other actions for noncompliance.	Review. Possible alternatives include removing SUS from the section, creating a new section for BOG and SUS, or adding BOG to this section.	Remove SUS - SUS 09/05	Replaces "public postsecondary educational institution boards" with ccbots/cc as appropriate.
	1008.321	BOG oversight enforcement authority	Establishes enforcement authority of BOG			Establishes enforcement authority of BOG

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1008.345	Implementation of state system of school improvement and education accountability	Refers to feedback and other reports submitted to SBE, SBE rules for distributing school reports, recommendations made to SBE regarding assistance and intervention plan for low performing schools, college-level communication and mathematics skills by defined by SBE, achievement data maintained by DOE for SBE, approval by SBE tests developed by DOE, competencies by students in state universities, and any information required by SBE. Requires SBE to direct commissioner to implement corrective action plan if needed. Requires SBE to monitor plan. Authorizes commissioner to assign administrative responsibilities for tests to any state university. Requires SBE to adopt rules requiring reporting by DOE on the performance of each first-time-in-postsecondary student from a public high school, and to ensure that each school district and high school develops strategies to improve student readiness for postsecondary work. Requires reporting by DOE to SBE on students enrolled for the first time in public postsecondary education.	Recommend replacing SBE with BOG in (8)(e)(f). Recommend adding BOG to (8)(g)(h). Review (8)(i).		Includes BOG in (8)(e)-(i), providing for certain approval, recipient of info, and requiring DOE to perform certain functions. Replaces reference to SBE definition with cross-reference to s. 1008.29.
SBE	1008.37	Postsecondary feedback of information to high schools	Requires SBE to develop articulation accountability measures and establish articulation accountability process.	No change		Adds BOG to report recipients. Removes SBE rule.
SBE; SU	1008.38	Articulation accountability process		Review to include BOG.		Requires SBE to consult with BOG
	1008.45	Community college accountability process				Conforming

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1008.46	State university accountability process	Refers to implementation of accountability process for state universities, recognition of differing missions of each state university, and providing for a collaborative effort involving state universities. Requires SBE to submit annual accountability report and recommend appropriate modification to law.	DOE/SUS: Review to replace SBE with BOG. DOE: Clarify that BOG approves university missions, performance standards, measures, and goals.		Replaces SBE with BOG and requires BOG to participate in process of identifying standards and goals.
SBE	1008.51	Council for Education Policy Research and Improvement	Requires CEPRI to submit to SBE a master plan, performance plan for education. Requires CEPRI to recommend to SBE legislation and rules for accountability and revisions and new initiatives to improve K-20 accountability and to issue reports on matters relating to any education sector, and to assist SBE in educational responsibilities.	Recommend adding BOG to (4)(c)-(d), (f)-(g), (i), (l).	Delete - SUS 09/05 Review to eliminate references to CEPRI based on 2005-06 budget. - OPB 09/05 Repeal	
SBE	1009.01	Definitions	Refers to SBE rules relating to "out-of-state fees". Refers to classification of students as residents or nonresidents for purpose of assessing tuition in state universities. Defines "institution of higher education" as any state university. Classifies as residents: active duty members of military, U.S. or Canadian, if attending a state university within 50 miles of duty station; and SREB's Academic Common Market graduate students attending state university. Requires SBE to designate, by rule, classification of students at state universities.	Recommend adding BOG to (2).		Replaces reference to SBE rules with cross reference to s. 1009.21
SBE; SU	1009.21	Determination of resident status for tuition purposes		DOE/SUS: Recommend amending (11) to add BOG. DOE: Clarify that classification is consistent with SBE.	Substantive changes are being recommended for the 2006 Legislative Session in separate proposed legislation. - SUS 09/05	Expanded to include determination of financial aid and tuition assistance grant eligibility. Revises definitions and qualification process. Establishes guidelines for reclassification. Provides for documentation requirements. Deletes reference to SBE rule.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT; UP	1009.24	State university student fees	Directs ubot to set university tuition and fees within proviso in the GAA and law. Authorize ubot to collect a financial aid fee. Authorizes ubot to establish activity & service, health, and athletic fees. Ubot approval required for expenditure of A&S fee revenues. Authorizes ubot to establish misc. fees. Authorizes ubot to establish a service charge for fees paid in installments. UP appoints certain members of the A&S fee committee; must approve fee increases recommended by the committee; must approve SGA on allocation and expenditure recs; may veto and reallocate. Appoints certain members of the health committee; must approve recommended increases to fee. Appoints certain members of the athletic fee committee; must approve any fee increases recommended by the committee.	Repeal. Alternatively, recommend amending (3), (6), (9)(a), (10), and (11). SBE should be replaced with BOG.	Substantive changes are being recommended for the 2006 Legislative Session in separate proposed legislation. - SUS 09/05 Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05 BOG or BOG designee sets tuition & fees for resident UG pursuant to proviso and law. BOG or BOG designee sets tuition & fees for all other students. BOG - 11/12/06	See PCB- substantial rewrite
SBE; SU	1009.25	Fee exemptions	Provides fee exemptions for certain students at state universities. Provides that regional workforce board pay state university for cost of welfare transition program participants. Authorizes community colleges to grant fee exemptions for fees adopted by SBE for up to 40 FTE at each institution.	DOE: Review. Fee exemptions binding on universities to the extent legislature funds and BOG accepts funds. SUS: No change.	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05	NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT	1009.26	Fee waivers	Permits ubots to waive fees for certain full-time university employees Provides waivers for tuition and fees for state employees in certain instances. Requires Chief Financial Officer, in cooperation with state universities to implement ways to ease administrative burden to institutions. Provides for reimbursement to state universities Requires AG to include review of cost assessment with audit for state universities. Provides exception for employees of state universities.	DOE: Repeal provisions pertaining to universities. Alternatively, fee waivers binding on legislatures to extent legislature funds and BOG accepts funds. SBE should be replaced with BOG in (4) and (6). SUS: Change (4) to read "for courses which are in programs for which the <u>UBOT</u> SBE has established selective admissions criteria"	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05	Removes reference to SBE rules. Adds fee waiver proviso. Replaces SBE with BOG in (4).
SU	1009.265	State employee fee waivers		DOE: Review. Fee waivers binding on universities to extent legislature funds and BOG accepts funds. SUS: No change.	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05	Clarifies that distance learning courses are included and the meaning of space-available. Prohibits use of waiver for certain courses.
SBE; SU	1009.27	Deferral of fees	Requires SBE to adopt rules to allow deferral of tuition and registration fees for students receiving financial aid when transmittal of aid is delayed. Provides that state university is responsible for collecting all deferred fees. Provides that student may not earn state funding until fee is collected.	Recommend adding BOG to (1).	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05	Deletes references to SBE rules

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1009.28	Fees for repeated enrollment in college-preparatory classes	Refers to fee levels established by SBE	Repeal as it pertains to universities.	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority - OPB 09/05	NC
SBE; SU; UBOT	1009.285	Fees for repeated enrollment in college-credit courses	Requires ubot to establish policy regarding repeated enrollment in college-credit courses Requires that student tuition and registration fees at each state university include specific amount. Requires that if Division of Bond Finance of SBE and commissioner determine that fees are no longer required, certain moneys previously collected, after certain expenses and certain amount has been used to establish financial aid data processing system for state universities, be reallocated to generating institutions for certain purposes.	Repeal as it pertains to universities.	Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority. - OPB 09/05	Deletes reference to definitions and fee levels established by SBE.
SBE; SU	1009.29	Increased fees for funding financial aid programs	Student may attend a state university. References "accrediting agency recognized by the SBE". Residency must be established pursuant to rules of the SBE.	Review all bonding provisions to differentiate the proper roles of BOG, UBOT and SBE. Repeal as it pertains to universities. Alternatively, recommend replacing DBF of SBE with BOG or add BOG in (1). Bond counsel should review this.	NC- DBF 12/6/05 Needs further review to determine the role of the BOG and Legislature with respect to tuition and fee authority - OPB 09/05	Changes SBE to SBA
SBE; SU	1009.40	General requirements for student eligibility for state financial aid	Requires SBE to establish criteria for documentation of disability.	Recommend adding BOG to 1(a)1., 2.		Adds reference to tuition assistance grants to conform. Includes ABLE
SBE	1009.41	State financial aid students with a disability		No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE, SU	1009.42	Financial aid appeal process	Requires SBE to adopt process by rule. Requires president of each state university to establish an appeals process.	No change		NC
SU	1009.44	Need-based financial aid; no preference to students receiving other aid	Refers to financial aid fee revenues at state universities and other funds appropriated by the Legislature and designated for need-based aid. Requires the program to be administered by participating institutions in accordance with SBE rules. Ties award amount to tuition and fees at state universities. Requires recipients to attend a state university or community college. Requires SBE to approve distribution formula for funds.	Strike language related to state university financial aid fee revenues		NC
SBE, SU	1009.50	Florida Public Student Assistance Grant Program; eligibility for grants	Requires DOE to administer program according to rules and procedures of SBE.	DOE: Awaiting further comment. SUS: No review needed.		NC
SBE	1009.53	Florida Bright Futures Scholarship Program	Refers to rules of the SBE re residency	DOE: Review for role of BOG in (3). SUS: No change.		NC
SBE	1009.531	Eligibility for the Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards	References courses adopted by BOR and recommended by SBCC	DOE: Review for role of BOG in (1)(a). SUS: No change. DOE: Review. Potential technical change. Speaks to a transition that has already occurred. SUS: No change.		NC
BOR, SBE	1009.537	Florida Teacher Scholarship and Forgivable Loan Program	Requires SBE to adopt rules to administer program and to annually identify critical teacher shortage areas. Permits scholarship to be used at a state university. Requires SBE to adopt repayment schedules and interests rates. Requires SBE to identify "high density, low-economic urban schools" and "low-density, low-economic rural schools."	Review for role of BOG in (1). (3)(c)1		NC

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Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1009.58	Critical teacher shortage tuition reimbursement program	Requires SBE to adopt rules to administer program. Requires SBE to determine eligible courses	Review for role of BOG in (2)		NC
SBE	1009.59	Critical teacher Shortage Student Loan forgiveness Program	Requires SBE to annually identify critical teacher shortage areas. Authorizes SBE to adopt rules to administer the program.	Review for role of BOG in (4)		NC
SBE, SU	1009.56	Florida Minority Medical Education Program	Requires DOE to administer program in accordance with SBE rules. Minority students at UF, FSU, UM, and NOVA are eligible to participate.	Review for role of BOG in (3), (7)		NC
SU	1009.77	Florida Work Experience Program	Permits certain students attending a state university to participate in the program.	Review for role of BOG in (7)		NC
SBE, SU	1009.391	The Access to Better Learning and Education Grant Program	Requires SBE to adopt rules for administering the ABE program. Excludes state universities from participation in the ABE program.	No change		NC
SBE	1009.90	duties of DOE	Requires DOE to administer rules adopted by the SBE. Requires DOE to report annually to SBE and Legislature recommendations for the distribution of state financial aid funds.	Recommend adding BOG to (9) and (12).		Adds BOG as a report recipient and requires DOE to calculate amount of need-based aid required to offset fee increases recommended by both SBE and BOG.
SBE	1009.91	Assistance programs and activities of the department	Requires DOE to maintain records on student default rate of each postsecondary institution and submit annual reports to SBE.			Requires annual report to BOG re SUs.
SU	1009.971	Florida prepaid college board	Authorizes Prepaid Board to establish agreements with state universities. Requires cost of contracts to be based on current and projected registration and housing fees in SUS.	Technical correction to change "Deputy Commissioner" to "Chancellor."		Changes "Deputy Commissioner" of DCU to "Chancellor" of SUS
SU	1009.98	Florida Prepaid College Program	Permits state universities to designate residence halls.	No change		Corrects cross-reference.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU	1010.01	Uniform records and accounts	References universities under supervision of SBE. Requires preparation and maintenance of financial records and accounts as prescribed by law and rules of the SBE.	Recommend adding BOG to (1).		Separates provisions into different paragraphs for SBE and BOG. Requires a uniform classification of accounts.
SBE; UBOT	1010.011	Definition	includes New College "under the supervision of the SBE" in definition of terms -- university, universities, and university boards of trustees.	Repeal in light of 1000.21(6), F.S.		Replaces "New College" with all state universities. Changes SBE to BOG
SBE	1010.02	Financial accounting and expenditure	Requires funds accruing to university to be received, accounted for, and expended in accordance with law and rules of the SBE.	Recommend adding BOG.		Separates provisions into different paragraphs for SBE and BOG
SBE; UBOT	1010.04	Purchasing	Requires ubot to make rules re purchasing	Candidate for repeal with respect to mention of universities. Alternatively, recommend adding BOG to (1), (4).	Repeal - adequately covered in 1001.74 - SUS 09/05 Needs further review to determine how HB 1001 provisions re: purchasing affect this statute. - OPB 09/05	Separates provisions into different paragraphs for SBE and BOG
SBE; UBOT	1010.07	Bonds or insurance required	Requires ubot to ensure that certain persons/contractors are bonded	Recommend adding BOG to (2).		Separates provisions into different paragraphs for SBE and BOG
SBE	1010.09	DSO	Requires school district, CC, and university DSO to be organized and conducted pursuant to law and SBE rule as applicable.	Recommend adding BOG.	Repeal as unnecessary because of 1004.28 - SUS 09/05	Separates provisions into different paragraphs for SBE and BOG

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1010.30	Audits required	References school districts, community colleges, and universities under the supervision of SBE. Subjects such institutions to audit requirements of ss. 11.45 and 218.39.	Recommend adding BOG.		Adds BOG for SU supervision
		Board of Administration to act as fiscal agent in issuance and sale of motor vehicle anticipation certificates				
SBE	1010.58	Procedure for determining number of instruction units for community colleges	Permits SBA to act as fiscal agent upon request of SBE	No change	NC- DBF 12/6/05	NC
SBE	1010.58		Permits SBE to define FTE in rule	No change		NC
SBE	1010.59	Interest rates	Permits SBE to determine interest rates on certain bonds	Recommend adding BOG. Recommend review by bond counsel	NC- DBF 12/6/05 No change recommended - SUS 09/05	NC
			Permits SBE to request issuance of bonds supported by capital improvement fee, building fee or other revenue approved by the Legislature for facilities construction. Permits SBE to approve issuance of bonds by university DSOs.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG. This was originally 240.2093, exclusively a BOR statute. - SUS 09/05	Repeal
SBE	1010.60	SBE; issuance of bonds pursuant to s. 11(f), Art. VII, State Constitution				

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1010.61	Powers	Authorizes SBE to carry out s. 1010.60; to borrow money pursuant to State Bond Act; to issue interest-bearing revenue certificates and other indebtedness to acquire projects approved by Leg; to pledge TFs and combine funds to secure revenue certificates; to adopt rules.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Sections 1010.61-619 were originally found in chapter 243 in which the term "institution" was defined to mean "any institution under the jurisdiction of the Board of Regents". Accordingly, it is recommended that SBE be replaced with BOG in these sections. - SUS 09/05	Repeal
SBE	1010.611	Resolution for issuance of revenue certificates	Provides that issuance of revenue certificates under Part IV of ch. 1010 and the State Bond Act must be done by resolution of the SBE	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal
SBE	1010.612	Powers to secure revenue certificates	Provides SBE with certain powers in connection with the issuance of revenue certificates	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1010.613	Remedies of any holder of revenue certificates	Permits holders of revenue certificates to enforce rights against SBE.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal
SBE	1010.614	Validity of revenue certificates	References officers of the SBE	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal
SBE	1010.615	Prohibitions against obligating state	Prohibits SBE from obligating the State or Legislature	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal
SBE	1010.616	Revenue certificate obligations of SBE	Revenue certificates are obligations of SBE – not a bond or debt of the state; not enforceable against the state	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 - Replace SBE with BOG - SUS 09/05	Repeal
SBE	1010.617	Tax exemption and eligibility as legal investments	Exempts properties, revenues, or other assets of SBE for which revenue certificates are issued from taxation	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
	1010.618	Supplemental nature of part; construction and purpose	Provides that powers conferred are supplemental in nature			Repeal
SBE	1010.619	Board of Administration to act as fiscal agent	Permits SBE to request SBA for advice re fiscal sufficiency of proposed revenue certificate. Permits SBA to take over administration and invest.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Repeal and create new section relating to revenue bonds and debt for state universities. - DBF 12/6/05 Replace SBE with BOG - SUS 09/05	Repeal
	1010.62	Revenue bonds and debt for state universities	Establishes process for revenue bonds and debt for state universities			Creates a new section that establishes process for revenue bonds and debt for state universities
SBE	1010.86	Administration of capital improvement and building fees trust funds	Direct SBE to administer the Capital Improvement Fee Trust Fund and Building Fee Trust Fund.	Recommend review by bond counsel. Review all bonding provisions to differentiate the proper roles of BOG, UBOTs, and SBE.	Replace SBE with BOG - SUS 09/05	Changes SBE to BOG
SBE; SU; UBOT	1011.01	Budget system established	Requires SBE to prepare and submit a K-20 budget to Gov and Leg. Establishes a budget system in each university as prescribed by law and rule of SBE. Requires ubot to prepare, adopt, and submit operating budget to COE. Obis must be submitted in accordance with law, rules of SBE, and GAA.	Review. Recommend amending to reflect current process. BOG approves SUS budget and submits to SBE for inclusion in K-20 budget. Alternatively, may add pursuant to ss. 1001.02 and 1001.701 at beginning of (1). Recommend adding BOG to (2) and (3); recommend replacing Commissioner with DOE in (3).		Separates provisions into different paragraphs for SBE and BOG. Requires coordination between SBE and BOG
SBE	1011.011	legislative capital outlay budget request	Requires SBE to submit a comprehensive budget request for facilities for school districts, CCs, and SUS	Review. Recommend amending to reflect current process. BOG approves SUS budget and submits to SBE for inclusion in K-20 budget. Recommend adding BOG to (2) and (3); recommend replacing Commissioner with DOE in (3).	Recommended changes ok except statute does not have sections (2) or (3). - OPB 09/05	Requires SBE to consult with BOG for university budget

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT; UP	1011.40	Budgets for universities	Requires SBE to provide instructions, guidelines, and standard formats to be used by each university. Requires each ubot to adopt an operating budget as prescribed by law and rules of the SBE. Requires university president to prepare and implement operating budget as prescribed by law, SBE rules, policies of ubot, and provisions of GAA. Expenditures governed by rules of SBE. Requires SBE to distribute appropriated funds to universities twice monthly. Permits EOG to modify distribution schedule as needed.	Recommend replacing SBE with BOG.		Changes SBE to BOG in (1) - (3). Deletes reference to SBE in (4).
	1011.41	University appropriations	Provides for university general operating funds to be requested and appropriated as Aid to Local Governments Grants and Aids			Requires compliance with tuition and fee policies. Failure by one university to comply will not affect the others.
SBE; UBOT	1011.4105	Transition from state accounting system (FLAIR) to university accounting system	References "universities and colleges under the supervision of the SBE". Permits transition from FLAIR to university accounting system. Requires ubot to submit plan developed with CFO for transition from FLAIR to SBE. Requires SBE to verify that university system is adequate, etc. when university is ready to transition. Requires SBE, DFS, and university to develop plan and deadline for all universities to transition from FLAIR. Requires SBE to submit plan to EOG and the chairs of the appropriations committees in the Senate and House.	Review. This provision relates to a historical event and, thus, may not need replacement of SBE by BOG, but might be deleted. If not deleted, then recommend replacing SBE with BOG and removing "colleges" from (1).		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU; UBOT	1011.4106	Trust fund dissolution	Appropriates unexpended balances of trust funds and requires expenditure of such funds to be included in ubots' approved operating budget. Requires ubot authorization to transfer funds and sign checks.	Review. This provision relates to a historical event, but might be deleted.		Includes local account appropriations. Adds repeal language.
UBOT; UP	1011.42	University depositories, deposits into and withdrawals from depositories	Permits UP to transfer funds from one depository to another	No change		NC
UBOT	1011.43	Investment of university agency and activity funds; earnings used for scholarships	Requires ubot to provide procedures for administration of scholarships and loans	No change		NC
SBE; SU; UP	1011.48	Establishment of educational research centers for child development	Requires UP approval for SGA to establish educational research centers for child development. Requires SBE approval of fees to be charged. Authorizes SBE to promulgate rules re educational research centers.	DOE: Replace SBE with BOG in (3) and (4). Delete language in (4) directing promulgation of rules. Delete SBE in (5). SUS: Repeal (1), (2), (3) & (4). Revise (5) to replace SBE with BOG. "Each educational research center for child development established by a state university shall be funded ..."		Changes SBE to BOG. Corrects cross-reference.
UBOT	1011.49	Assent to Smith-Lever Act; university boards of trustees authorized to receive grants	Authorizes UFbot and FAMUbot to receive certain grants	No change		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
			Relates to funding for workforce development education offered by school districts and community colleges. Requires instruction designed to articulate into a degree program to be subject to guidelines and stds adopted by the SBE pursuant to s. 1007.25. Requires SBE and WFI to make recs to legislature re performance funding. Requires SBE to adopt rules to administer section.			
SBE	1011.50	Funds for operation of adult technical education programs		No change		NC
	1011.82	Requirements for participation in Community College Program Fund				Corrects cross-reference.
SBE; SU	1011.90	State university funding	Provides for state funding of each university, based on enrollment and program costs, and includes certain categorical funds. Requires SBE to establish cost estimating system and for universities to abide by reporting procedures set forth by SBE.	(2) - Remove reference to s. 1009.24 (which was recommended for repeal); (4) - replace SBE with BOG		Replaces SBE with BOG. Provides an exception.
SBE; UBOT	1011.91	Additional appropriation	Appropriates certain funds to university collecting the money to be expended as UBOT directs. Gives SBE approval authority over spending.	Review. Recommend repealing to the extent statute seeks to appropriate solely private state university system funds.	No change recommended - SUS 09/05	Includes a cross-reference. Changes SBE to BOG. Includes repeal language.
SBE; SU	1011.94	Trust Fund for University Major Gifts	Establishes trust fund for university major gifts. Gives SBE authority for program and approval of allocations to universities.	Revise; remove references to New College Foundation; replace SBE with BOG in (1), (2), (3)(a), (3)(c), (5)(a), (5)(b), (5)(c)		Changes SBE to BOG. Removes authority for encumbrances. Removes references to New College. Modifies match requirement.

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Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1012.01	Definitions	Provides general K-20 system definitions. Defines school officers of the state education system to include only SBE, Commissioner and district boards and superintendents.	No change		Limited to K-12 and cc and for only ch. 1012.
SBE	1012.39	Employment of substitute teachers, teachers of adult education, nondegree teachers of career education, and career specialists, students performing clinical field experience	Requires district school board to set minimum qualifications for certain instructional personnel, including students enrolled in a teacher education program at a postsecondary institution approved by SBE rule.	No change		NC
SBE	1012.80	Participation by employees in disruptive activities at public postsecondary educational institutions; penalties	Deems employees of public postsecondary institutions to have consented to anti-disruption policies of their institution, SBE and state law	Recommend amending (1) to add BOG.		Separates provisions into different paragraphs for SBE and BOG
SU	1012.801	Employees of DCU	Employees of the Division of Colleges and Universities of the Department of Education who are participating in the State University Optional Retirement Program Prior to June 30, 2002, shall be eligible to continue such participation as long as they remain employees of the Department of Education or a state university without a break in continuous service.		Replace DCU with BOG. - SUS 09/05 Permit employees who were enrolled prior to 6/30/02 to continue participation as long as employed by BOG, DOE, or SU without a break in continuous service. - OPB 10/24/05	Changes employees of DCU to DOE to employees of the BOG.
SU/UBOT	1012.91	Personnel records	Requires UBOT to adopt rules prescribing content and custody of limited-access records	DOE: No review needed. SUS: (1) "Each university board of trustees shall prescribe the content."	No change recommended - SUS 09/05	NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; SU; UBOT	1012.92	Personnel codes of conduct; disciplinary measures; rulemaking authority	Authorizes UBOT to adopt by rule codes of conduct, discipline, and penalties for employees. Refers to sanctions allowed by SBE rule.	DOE: Recommend replacing SBE with BOG in (2). SUS : Repeal.	Repeal - unnecessary. - SUS 09/05	Repeal
SBE; SU	1012.93	Faculty members; test of spoken English	Gives SBE rulemaking to require SUS and New College faculty to be proficient in English. Requires UBOT to ensure certain policies are implemented relating to service in public schools by faculty members. Requires SBE to establish criteria for evaluating faculty service to public schools.	Review. Recommend repeal. BOG has a rule on this subject.		Removes reference to SBE rules and New College. Requires proficiency in English for certain faculty and BOG approval of any test.
SBE; SU; UBOT	1012.94	Evaluations of faculty members; report		Review. Recommend repeal except to the extent BOG agrees with this provision. Alternatively, replace SBE with BOG.		Repeal
none	1012.945	Required number of classroom teaching hours for university faculty members	Requires minimum classroom contact hours for faculty paid solely out of state funds	SUS : Repeal governed by collective bargaining agreements.		NC
SBE; SU; UBOT; UP	1012.95	University employment equity accountability program	Requires UBOT to evaluate president in achieving annual equity goals and objectives. Requires UBOT to submit annual report to Legislature and SBE. Requires UBOT to approve budgetary incentive plan to support and ensure attainment of goals. Requires UP to submit annual equity report to COE and SBE. Requires progress in achieving goals to be a factor in evaluation of UP. Requires UP to review and approve budgetary incentive plan.	Review. Recommend replacing SBE with BOG in (2)(a), (3)(a)-(b), (4), (5). May delete COE.		Repeal

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SU	1012.97	University police	Directs universities to establish university police departments.	Revise (6) to require the universities to establish a written policy manual which shall be furnished to each university police officer. Delete provisions relating to concurrence with Dept. of Law Enforcement, and requiring university to adopt rules.		Authorizes SUs to provide for police officers.
SU; UP	1012.975	Remuneration of state university presidents; limitations	Caps annual remuneration from public funds	No change		Revises definitions. Adds provosts and CC presidents.
SBE; SU	1012.98	School Community Professional Development Act	Requires participation of SUS and involvement of state university faculty; gives rulemaking to SBE.	No change		Removes obsolete PE provision in (4)(d)
SBE; UBOT	1013.01	Definitions	Includes UBOT in the definition of "board" for purposes of ch. 1013 -- Educational facilities	DOE: Exclude BOG from definition of "Board" in (3). Review to decide whether to exclude UBOT from definition of "board" and specifically include where needed, or retain in definition and specifically exclude where necessary. SUS : Exclude BOG & UBOTs from the term "board" unless specifically referenced. Create new section to include BOG functions, picking UP functions such as those in 1013.03(2), (7), & (11), 1013.14(1)(a), 1013.16(1), if necessary for receipt of PO&M & 1013.18(2).		Excludes BOG from definition of "board"
SBE	1013.02	Purpose; rules	Gives SBE rulemaking power over Chapter 1013 - Educational Facilities.	Review. Add BOG to (2) to recognize its rulemaking authority with respect to the SUS.		Divides (2) into separate paragraphs for BOG and SBE

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; UBOT	1013.03	Functions of the department	Gives DOE overall general authority for setting facility standards, including classroom utilization levels.	Review to determine extent of university participation in this section. Alternatively, include university requirements in separate section. Consult with bond and facilities counsel.		Includes functions of the BOG for SU facilities. Revises utilization standards, requires review, and requires report by all postsecondary institutions. Adds penalty language for SUS that fail to submit required data timely. Changes Office of Workforce and Economic Development to DOE. Removes (13) -- obsolete.
SBE	1013.12	Casualty, safety, sanitation, and firesafety standards and inspection of property	Gives SBE authority to make rules prescribing standards for safety and health of occupants of educational and ancillary plants constructed per 1013.37.	Add BOG to (4) with respect to universities.		Renumbered. Includes BOG for SUS. Adds SBE and BOG to recipients of annual report.
SBE; UBOT	1013.15	Lease, rental, and lease-purchase of educational facilities and sites	Requires lease agreements entered into by UBOT to comply with s. 1013.171	If UBOT is removed from definition of "board" under 1013.01, then repeal (3) because university leasing provisions covered in 1013.171.		Adds lease-purchase. Subject to 1010.62
	1013.16	Construction of facilities on leased property, conditions				Subjects leases to 1010.62.
SBE	1013.17	University leasing in affiliated research and development park	Gives SBE approval of exemption of SUS from certain state purchasing laws for leasing in research/development parks.	Replace SBE with BOG		Replaces SBE with BOG. Leases subject to s. 1010.62.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/2006 version)
SBE; UBOT	1013.171	University lease agreements; land, facilities	Authorizes UBOTs to enter into certain lease agreements if they comply with SBE systemwide strategic plan. Gives UBOTs power to convey or lease airspace or interests in property above land; provides that new facilities must be approved by the Leg; provides that no interest in property owned by SBE may be may not be divested without SBE approval.	DOE/SUS: Replace SBE with BOG in (1) and (2). SUS: (2) add "eventual ownership of the completed facilities by the state or UBOT." (2) - "lease, purchase or lease-purchase(3) - delete "income-producing"; add "Each UBOT shall prescribe such policies & procedures as are necessary to carry out the provisions of this section." (SUS additional comments not governance related).		Authorizes ubot to enter into certain agreements. Replaces SBE with BOG in (1) and (2). Removes notwithstanding language to conform. Agreements subject to s. 1010.62.
SBE	1013.19	Purchase, conveyance, or encumbrance of property interests above surface of land; joint occupancy structures		DOE: No review needed. SUS: Add UBOTs to "boards" (if removed from 1013.01 definition).		University contracts subject to s. 1010.62. Changes SBE
SBE	1013.25	When university or community college boards of trustees may exercise power of eminent domain	Requires SBE approval of eminent domain power by UBOT or CCBOT. Requires disposal of surplus property in accordance with ch. 273 and subject to SBE rules.	Recommend adding BOG for universities.		(appointed board) to Administration Commission (elected officials)
SBE; UBOT	1013.28	Disposal of property		Add BOG to (1). Consult with state property lawyer and bond counsel.		Divided into separate paragraphs for BOG and SBE

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; UBOT	1013.30	University campus master plans and campus development agreements	Requires UBOT to prepare and adopt a campus master plan. Provides for dispute resolution, review process	Replace SBE with BOG in (4), (13)(b), and (22). Need transition language to clarify impact on existing agreements.	No change recommended - all sections needing amendments addressed in 2005 (HB517) - SUS 09/05	NC
			Requires UBOT to develop a campus development agreement. Gives SBE rulemaking authority over development of campus master plans		No change needed because statute amended by 2005-284, L.G.F. - OPB 09/05	
SBE; SU; UP	1013.31	Educational plant survey; localized need assessment; PECO project funding	Requires UP to certify project's compliance with requirements for expenditure of PECO funds prior to release of funds; gives SBE rulemaking authority over surveys	Construct a similar provision for the SUS & BOG for new section; also incorporate 1013.32. Alternatively, Add BOG in (1)(a) and (c). Replace DCU with DOE the first two times and the final time with BOG in (b)4.	Replace DCU with BOG. - SUS 09/05 Amend (1)(b) to delete "college" from line 2 of title. Amend (1)(b)4 to delete "college and" from first line and replace three references to "Division of Colleges and Universities" with "Board of Governors". - OPB 10/24/05	Changes "office" and "division" references to DOE. Removes references to SBE rules and the term "college". Adds BOG to (1)(b)4. and (c)
UP	1013.371	Conformity to codes	Places duties on boards regarding conformity with building and fire prevention codes. Allows all boards to submit facility construction or related plans to DOE for approval	Include UBOTs if specifically excluded from "board" definition in 1013.01, otherwise no change needed.		NC
SBE	1013.45	Educational facilities contracting and construction techniques	Allows a board to purchase architectural services notwithstanding the competitive procurement provisions of 287.055 under an existing contract held by a school board if the services conform to SBE rule.	Include UBOTs if specifically excluded from "board" definition in 1013.01, otherwise no change needed.		NC

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE	1013.46	Advertising and awarding of contracts; prequalification of contractor	Provides guidelines for advertising and awarding contracts for educational facilities. Requires boards to prequalify bidders according to SBE rule.	Add BOG to (2).		Removes reference to SBE rules in (2)
SBE	1013.47	Substance of contract; contractor to give bond; penalties	Requires boards to develop contracts in compliance with Ch. 1013 and public facilities laws. Provides penalties for contractors who do not perform to according to plan or SBE rule.	Add BOG.		Adds reference to BOG rules.
SBE; SU; UBOT	1013.52	Cooperative development and joint use of facilities by two or more boards	Authorizes participation of UBOTs in joint-use facilities; requires assessment by COE and approval by COE or SBE as appropriate. Requires additional approvals by COE.	Review -- add BOG to (1)(a), (c), (d) and (3). Alternatively, replace commissioner with department.		Requires BOG review and approval for SU proposals.
UBOT	1013.60	Legislative capital outlay budget request	Requires UBOT to submit a 3-year facilities and capital outlay plan to COE.	Recommend revising to reflect the practice of the BOG and SBE to prepare capital outlay budgets.		Requires BOG approval of ubot submission
SBE	1013.63	University Concurrency Trust Fund	Creates the fund within DOE and gives oversight to SBE for funding university offsite improvements to meet concurrency standards. Terminates July 1, 2007.	Replace SBE with BOG in (2).		Changes DOE to BOG. Removes reference to SBE.
SBE; UBOT	1013.64	Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects	Permits UBOTs to use funds for replacement of minor facilities provided project does not exceed \$1m. Provides that funds will be provided to UBOTs based on 3-year priority list submitted by SBE. Permits UBOTs to lease relocatables under certain conditions. Provides guidelines for UBOTs to receive funds for remodeling, renovation, maintenance and repairs, and site improvement	Include UBOTs if specifically excluded from "board" definition in 1013.01. Add BOG in (4)(a) for universities. Replace commissioner with department.		Adds BOG in (4)(a) for SUs.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (011206 version)
SBE; UBOT	1013.65	Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds	Gives COE/DOE administrative authority over PECO TF. Allows UBOTs to participate; provides guidelines for participation.	Either incorporate these provisions into separate sections for the BOG or, alternatively, add BOG to (1).		Adds BOG to (1) in order to provide BOG with copies of each allocation.
SBE	1013.67	Commissioner to provide for encumbrances of funds	Requires COE to provide timely encumbrances of funds for authorized projects.	Review. Consult with bond counsel to decide whether BOG should be added.	NC- DBF 12/6/05	NC
SBE	1013.70	The 1957 School Capital Outlay Bond Program	Provides for use of revenue bonds from lottery revenues transferred to the Educational Enhancement Trust Fund for construction, renovation, etc. of educational facilities.	Review. Consult with bond counsel to decide whether BOG should be added.	NC- DBF 12/6/05	NC
SBE; UBOT	1013.74	University authorization for fixed capital outlay projects	Requires UBOT to assess existing facilities to identify extent to which each campus has public hurricane evacuation shelter space; gives SBE authority to review and approve project requests by a SU.	Replace SBE with BOG in (3).		Corrects cross-reference. Replaces SBE with BOG in (3). Projects subject to s. 1010.62.
	1013.78	Approval required for certain university-related facility acquisitions				References s. 1010.62
SBE; SU	1013.79	University Facility Enhancement Challenge Grant Program	Creates program to assist SU's to build high priority instructional and research-related capital facilities. Gives SBE authority over TF and construction projects.	Replace SBE with BOG in (3), (7), (11).		Deletes findings and intent. Changes SBE to BOG in (3), (7), (8) and (11). Removes naming prohibition.

Draft PCB Chart

Search Term Code	Statute	Short Title	Description	DOE/OPB/SUS Staff Comments	Subsequent Comments	Draft PCB Language (01/206 version)
UBOT	1013.92	Contracts of institutions for supplies, utility services, and building construction exempt from operation of county or municipal ordinance or charter	Authorizes UBOT to contract for supplies, utility services, and building requirements without regulation or restriction by municipal or county charter or ordinance	No change		NC

UPDATES TERMINOLOGY

(1) Board of Regents to Board of Governors

amending s. 23.21, F.S.: revising the definition of “department” for purposes of paperwork reduction (*section 4, p. 28, line 795*)

amending s. 112.313, F.S.: revising the definition of “employee” for purposes of standards of conduct for public officers, employees of agencies, and local government attorneys (*section 11, p. 31, line 867*)

amending s. 159.703, F.S.: research and development authorities (*section 19, p. 41, line 1173*)

amending s. 159.704, F.S.: research and development authorities (*section 20, p. 42, line 1191*)

amending s. 220.15, F.S.: apportionment of adjusted federal income (*section 30, p. 52, line 1471*)

amending s. 286.001, F.S.: filing, maintenance, retrieval, and provision of copies of statutorily-required reports (*section 38, p. 59, line 1673*)

amending s. 288.17, F.S.: revenue certificates (*section 44, p. 65, line 1842*)

amending s. 320.08058, F.S.: collegiate license plates (*section 48, p. 66, line 1884*)

amending s. 381.79, F.S.: Brain and Spinal Cord Injury Program Trust Fund (*section, 49, p. 66, line 1896*)

amending s. 409.908, F.S.: reimbursement of Medicaid providers (*section 52, p. 68, line 1931*)

amending s. 455.2125, F.S.: consultation with postsecondary education boards prior to the adoption of changes to training requirements (*section 55, p. 72, line 2059*)

amending s. 456.028, F.S.: relating to consultation with postsecondary education boards prior to the adoption of changes to training requirements (*section 56, p. 73, line 2075*)

amending s. 650.03, F.S.: relating to federal-state agreement and interstate instrumentalities (*section 61, page, 75, line 2151*)

amending s. 943.1755, F.S.: relating to the Florida Criminal Justice Executive Institute (*section 62, p. 76, line 2160*)

(2) Board of Regents to Board of Governors or board's designee

amending s. 110.131, F.S.: other-personal services temporary employment (*section 5, p. 28, line 808*)

(3) Board of Regents to Board of Governors or university board of trustees

amending s. 112.3145, F.S.: disclosure of financial interests and clients represented before agencies (*section 13, p. 34, line 966*)

(4) Board of Regents to university board of trustees

amending s. 252.385, F.S.: public shelter space for purposes of hurricane evacuation (*section 32, p. 54, line 1538*)

amending s. 413.051, F.S.: definition of "state property" for purposes of eligible blind persons and operation of vending stands (*section 53, p. 69, line 1981*)

amending s. 489.103, F.S.: exemptions for purposes of construction contracting (*section 57, p. 73, line 2091*)

amending s. 489.503, F.S.: exemptions for purposes of electrical and alarm system contracting (*section 58, p. 74, line 2109*)

(5) Deletes Board of Regents

amending s. 255.02, F.S.: boards authorized to replace buildings destroyed by fire (*section 34, p. 55, line 1568*)

amending s. 255.043, F.S.: art in state buildings (*section 35, p. 55, line 1578*)

(6) Deletes State Board of Education

amending s. 216.251, F.S.: salary appropriations and limitations (*section 29, p. 51, line 1449*)

amending s. 253.381, F.S.: unsurveyed marshlands and sale to upland owners (*section 33, p. 55, line 1555*)

(7) Department of Education to State Board of Education

amending s. 112.19, F.S.: death benefits for law enforcement, correctional, and correctional probation officers (*section 8, p. 30, line 842*)

amending s. 112.191, F.S.: death benefits for firefighters (*section 9, p. 30, line 849*)

(8) Deletes/Updates Division of Universities or Division of Colleges and Universities

amending s. 112.3135, F.S.: restriction on employment of relatives (*section 12, p. 33, line 950*)

amending s. 211.3103, F.S.: levy of tax on severance of phosphate rock. rate, basis, and distribution of tax (*section 22, p. 43, line 1217*)

amending s. 1005.03, F.S.: designation “college” or “university” (*section 97, p. 161, line 4607*)

amending s. 1005.06, F.S.: institutions not under the jurisdiction or purview of the Commission for Independent Education (*section 98, p. 162, line 4623*)

amending s. 1009.971, F.S.: Florida Prepaid College Board (*section 138, p. 225, line 6430*)

amending s. 1012.801, F.S.: employees of the Division of Colleges and Universities (*section 161, p. 257, line 7363*)

(9) Replaces State Board of Community Colleges

amending s. 286.001, F.S.: filing, maintenance, retrieval, and provision of copies of statutorily-required reports (*section 38, p. 59, line 1673*)

amending s. 403.073, F.S.: pollution prevention (*section 50, p. 67, line 1912*)

amending s. 403.074, F.S.: technical assistance by the Department of Environmental Protection (*section 51, p. 67, line 1922*)

(10) Replaces community colleges

amending s. 489.103, F.S.: exemptions for purposes of construction contracting; (*section 57, p. 73, line 2091*)

amending s. 489.503, F.S.; exemptions for purposes of electrical and alarm system contracting; (*section 58, p. 74, line 2109*)

(11) Other

amending s. 121.021, F.S.: updating obsolete terminology in the definition of “compensation” for purposes of the Florida Retirement System (*section 16, p. 36, line 1036*)

amending s. 121.051, F.S.: updating obsolete terminology relating to participation in the Florida Retirement System (*section 17, p. 37, line 1055*)

amending s. 121.35, F.S.: updating obsolete terminology relating to the optional retirement program for the State University System (*section 18, p. 38, line 1092*)

amending s. 215.16, F.S.: deleting unnecessary terminology relating to appropriations from the General Revenue Fund for public schools, state institutions of higher learning, and community colleges, and reduction (*section 23, p. 44, line 1248*)

amending s. 216.0152, F.S.; relating to inventory of state-owned facilities or state-occupied facilities; updating obsolete terminology relating to state university and community college facilities (*section 28, p. 50, line 1421*)

amending s. 287.155, F.S.: updating obsolete terminology relating to purchase of motor vehicles by state universities (*section 42, p. 63, line 1788*)

amending s. 295.07, F.S.; relating to preference in appointment and retention; including certain equivalent positions (*section 47, p. 66, line 1872*)

amending s. 1009.29, F.S.; relating to increased fees for funding financial aid program; replacing reference to State Board of Education with State Board of Administration; (*section 134, p. 222, line 6341*)

REMOVES OBSOLETE TERMINOLOGY/RULEMAKING

(1) Relating to the Board of Regents

amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act (*section 7, p. 29, line 830*)

(2) Relating to the State Board of Education

amending s. 1006.53, F.S.; relating to religious observances; requiring each public postsecondary institution to adopt a policy (*section 100, p. 162, line 4646*)

amending s. 1009.01, F.S.; relating to definitions for purposes of educational scholarships, fees, and financial assistance (*section 127, p. 200, line 5725*)

amending s. 1009.27, F.S.; relating to deferral of fees (*section 132, p. 220, line 6300*)

amending s. 1009.285, F.S.; relating to fees for repeated enrollment in college-credit courses (*section 133, p. 221, line 6313*)

amending s. 1013.46, F.S.; relating to advertising and awarding contracts and prequalification of contractor (*section 178, p. 283, line 8106*)

(3) Removing obsolete terminology

amending s. 215.559, F.S.; removing obsolete terminology relating to Hurricane Loss Mitigation Program; (*section 26, p. 48, line 1376*)

ORGANIZATIONAL CHANGES

amending s. 20.15, F.S.; relating to the Department of Education; deleting the Division of Colleges and Universities; requiring the Department of Education to provide certain support services to the Board of Governors of the State University System; (*section 2, p. 26, line 735*)

creating s. 20.155, F.S.; relating to Board of Governors of the State University System; providing for certain rights and privileges, the head of the board, personnel, and certain powers and duties; (*section 3, p. 27, line 765*)

**ADDS REFERENCES TO BOARD OF GOVERNORS, BOARD'S
DESIGNEE, UNIVERSITY BOARD OF TRUSTEES, OR STATE
UNIVERSITY**

(1) Board of Governors

amending s. 120.65, F.S.: including the Board of Governors of the State Universities in the entities that must reimburse the Division of Administrative Hearings for certain expenses (*section 15, p. 36, line 1020*)

amending s. 215.32, F.S.: relating to state funds and segregation; including trust funds under the management of the Board of Governors of the State University System; (*section 25, p. 45, line 1293*)

amending s. 250.10, F.S.: relating to appointment and duties of the Adjutant General regarding education assistance programs; adding the Board of Governors of the State University System; (*section 31, p. 53, line 1520*)

amending s. 255.102, F.S.: relating to contractor utilization of minority business enterprises; including reference to Board of Governors (*section 36, p. 56, line 1592*)

amending s. 287.012, F.S.: revising the definition of "agency" to include Board of Governors of the State University System for purposes of procurement (*section 40, p. 61, line 1741*)

amending s. 288.15, F.S.: adding Board of Governors of the State University System to the entities authorized to cooperate with the Division of Bond Finance (*section 43, p. 63, line 1806*)

amending s. 288.7091, F.S.: including the Board of Governors of the State University System in the entities with whom the Florida Black Business Investment Board must develop memoranda of understanding (*section 45, p. 65, line 1851*)

amending s. 1001.28, F.S.: relating to distance learning duties; adding the Board of Governors of the State University System to the entities whose powers and duties are not changed by the provisions of this section (*section 72, p. 100, line 2867*)

amending s. 1001.70, F.S.: relating to Board of Governors; providing for travel and per diem; providing guidelines (*section 74, p. 102, line 2926*)

amending s. 1004.04, F.S.: relating to public accountability and state approval for teacher preparation programs; including the Board of Governors of the State University System as a report recipient (*section 83, p. 127, line 3632*)

amending s. 1006.60, F.S.: relating to codes of conduct, disciplinary measures, and rulemaking authority; including rules of the Board of Governors (*section 101, p. 163, line 4661*)

amending s. 1006.61, F.S.: relating to participation by students in disruptive activities at public postsecondary educational institutions and penalties; including policies of the Board of Governors (*section 102, p. 163, line 4672*)

amending s. 1006.62, F.S.: relating to expulsion and discipline of students of community colleges and state universities; including rules and regulations of the Board of Governors; (*section 103, p. 164, line 4684*)

(2) Board of Governors and university boards of trustees

amending s. 112.312, F.S.: revising the definition of the term “agency” to include the Board of Governors of the State University System and each state university board of trustees for purposes of the code of ethics for public officers and employees (*section 10, p. 30, line 855*)

amending s. 120.52, F.S.: revising the definition of “agency” to include the Board of Governors of the State University System and state university boards of trustees when acting pursuant to statutory authority derived from the Legislature for purposes of the Administrative Procedures Act (*section 14, p. 35, line 986*)

(3) Board of Governors or board’s designee

amending s. 447.203, F.S.: revising definition of “public employer” to designate the Board of Governors of the State University System or the board’s designee as the public employer with respect to public employees of state universities; revising the definition of “legislative body” to designate the Board of Governors of the State University System or the board’s designee as the legislative body with respect to employees of a state university (*section 54, p. 70, line 1992*)

(4) University boards of trustees

amending s. 1001.71, F.S.: providing that the boards are part of the executive branch of state government; deleting certain member requirements (*section 76, p. 111, line 3186*)

amending s. 1004.21, F.S.; relating to legislative intent regarding state universities; removing intent; referencing constitutional provisions; providing that universities are part of the executive branch of state government; providing that universities are administered by a board of trustees; (*section 85, p. 129, line 3696*)

(5) State universities

amending s. 280.02, F.S.: including state university in the definition of “public deposit” for purposes of the Florida Security for Public Deposits Act (*section 37, p. 58, line 1654*)

RESPONSIBILITIES OF THE SBE, BOG, UBOT, AND DOE

Revising SBE responsibilities

(1) Transferring to Board of Governors

amending s. 1000.03, F.S.; relating to the function, mission, and goals of the Florida K-20 education system; limiting oversight authority over state university matters to the Board of Governors of the State University System (*section 64, p. 76, line 2184*)

amending s. 1000.05, F.S.; relating to prohibition of discrimination against students and employees in the Florida K-20 public education system and equality of access required; designating responsibility for implementation in state universities to the Board of Governors of the State University System (*section 65, p. 78, line 2214*)

amending s. 1001.02, F.S.; relating to general powers of the State Board of Education; deleting certain responsibilities relating to state universities (*section 66, p. 82, line 2347*)

amending s. 1001.03, F.S.; relating to specific powers of the State Board of Education; providing exceptions regarding enforcement authority; deleting requirement that State Board of Education review state university academic programs (*section 67, p. 92, line 2365*)

amending s. 1001.73, F.S.; relating to university boards acting as trustees; replacing references to the State Board of Education with Board of Governors of the State University System (*section 77, p. 112, line 3205*)

amending s. 1004.03, F.S.; relating to program approval; requiring the Board of Governors to establish criteria for approval of certain programs; providing guidelines for criteria (*section 82, p. 126, line 3595*)

amending s. 1004.22, F.S.; relating to divisions of sponsored research at state universities; providing for guidelines of the Board of Governors of the State University System (*section 86, p. 130, line 3705*)

amending s. 1004.28, F.S.; relating to direct-support organizations (*section 89, p. 135, line 3861*)

amending s. 1004.29, F.S.; relating to university health services support organizations; (*section 90, p. 137, line 3916*)

amending s. 1004.39, relating to college of law at Florida International University
(*section 91, p. 138, line 3938*)

amending s. 1004.40, F.S.; relating to college of law at Florida Agricultural and
Mechanical University (*section 92, p. 140, line 4000*)

amending s. 1004.43, F.S.; relating to the H. Lee Moffitt Cancer Center and Research
Institute (*section 94, p. 143, line 4080*)

amending s. 1004.445, F.S.; relating to the Johnnie B. Byrd, Sr. Alzheimer's Center and
Research Institute (*section 95, p. 152, line 4336*)

amending s. 1006.65, F.S.; relating to safety issues in courses offered by public
postsecondary educational institutions (*section 104, p. 165, line 4711*)

amending s. 1006.71, F.S.; relating to gender equity in intercollegiate athletics (*section
105, p. 165, line 4729*)

amending s. 1007.25, F.S.; relating to general education courses, common prerequisites,
and other degree requirements (*section 110, p. 173, line 4950*)

amending s. 1007.264, F.S.; relating to impaired and learning disabled persons,
admission to postsecondary educational institutions, and substitute requirements (*section
112, p. 176, line 5045*)

amending s. 1007.265, F.S.; relating to graduation, study program admission, and upper-
division entry for impaired and learning disabled persons (*section 113, p. 177, line 5063*)

amending s. 1008.32, F.S.; relating to State Board of Education oversight enforcement
authority (*section 120, p. 192, line 5480*)

amending s. 1008.46, F.S.; relating to state university accountability process (*section
126, p. 199, line 5689*)

amending s. 1009.26, F.S.; relating to fee waivers (*section 130, p. 219, line 6254*)

amending s. 1010.01, F.S.; relating to uniform records and accounts (*section 140, p. 227,
line 6489*)

amending s. 1010.02, F.S.; relating to financial accounting and expenditures (*section
142, p. 228, line 6518*)

amending s. 1010.04, F.S.; relating to purchasing (*section 143, p. 228, line 6528*)

amending s. 1010.07, F.S.; relating to bonds or insurance required (*section 144, p. 229, line 6547*)

amending s. 1010.09, F.S.; relating to direct-support organizations (*section 145, p. 230, line 6567*)

amending s. 1010.30, F.S.; relating to required audits (*section 146, p. 230, line 6578*)

amending s. 1010.86, F.S.; relating to the administration of capital improvement and building fee trust funds (*section 148, p. 238, line 6820*)

amending s. 1011.01, F.S.; relating to the establishment of the budget system (*section 149, p. 239, line 6835*)

amending s. 1011.40, F.S.; relating to budgets for universities (*section 151, p. 241, line 6882*)

amending s. 1011.48, F.S.; relating to the establishment of educational research centers for child development (*section 154, p. 244, line 6977*)

amending s. 1011.90, F.S.; relating to state university funding (*section 156, p. 245, line 7020*)

amending s. 1011.91, F.S.; relating to additional appropriation (*section 157, p. 246, line 7044*)

amending s. 1011.94, F.S.; relating to Trust Fund for Major Gifts (*section 158, p. 247, line 7068*)

amending s. 1012.80, F.S.; relating to participation by employees in disruptive activities at public postsecondary educational institutions and penalties (*section 160, p. 257, line 7244*)

amending s. 1013.02, F.S.; relating to purpose and rules (*section 167, p. 261, line 7469*)

amending s. 1013.12, F.S.; relating to casualty, safety, sanitation, and firesafety standards and inspection of property (*section 169, p. 268, line 7660*)

amending s. 1013.171, F.S.; relating to university lease agreements, land, and facilities (*section 173, p. 273, line 7823*)

amending s. 1013.28, F.S.; relating to disposal of property (*section 176, p. 277, line 7922*)

amending s. 1013.64, F.S.; relating to funds for comprehensive educational plant needs (*section 183, p. 287, line 8216*)

amending s. 1013.74, F.S.; relating to university authorization for fixed capital outlay projects; correcting cross-reference; transferring State Board of Education responsibilities to the Board of Governors of the State University System; subjecting projects to s. 1010.62; *(section 185, p. 289, line 8280)*

amending s. 1013.79, F.S.; relating to the University Facility Enhancement Challenge Grant Program *(section 187, p. 290, line 8308)*

(2) Transferring to Board of Governors or board's designee

amending s. 1004.24, F.S.; relating to State Board of Education's authority to secure liability insurance *(section 87, p. 132, line 3756)*

(3) Transferring to other entity

amending s. 1013.25, F.S.; relating to when a university or community college board of trustees may exercise the power of eminent domain; requiring approval of the Administration Commission; *(section 175, p. 276, line 7908)*

Requiring input, collaboration, or consultation between State Board of Education and the Board of Governors

amending s. 1002.35, F.S.; relating to the New World School of the Arts *(section 80, p. 125, line 3558)*

amending s. 1007.01, F.S.; relating to articulation *(section 106, p. 169, line 4819)*

amending s. 1007.24, F.S.; relating to statewide course numbering system *(section 109, p. 171, line 4898)*

amending s. 1007.28, F.S.; relating to computer-assisted student advising system *(section 115, p. 181, line 5181)*

amending s. 1008.29, F.S.; relating to college-level communication and mathematics skills examination *(section 117, p. 184, line 5254)*

amending s. 1008.30, F.S.; relating to common placement testing *(section 118, p. 186, line 5321)*

amending s. 1008.38, F.S.; relating to the articulation accountability process *(section 124, p. 197, line 5644)*

amending s. 1011.011, F.S.; relating to the legislative capital outlay budget request
(*section 150, p. 240, line 6872*)

Revising university boards of trustees' responsibilities

amending s. 1001.74, F.S.; revising powers and duties of the university boards of trustees; (*section 78, p. 113, line 3238*)

Revising university president responsibilities

amending s. 1001.75, F.S.; revising powers and duties of university presidents; (*section 79, p. 122, line 3494*)

Revising Board of Governors responsibilities

creating s. 1001.706, F.S.; specifying powers and duties of the Board of Governors of the State University System as authorized by the Legislature; (*section 75, p. 103, line 2951*)

creating s. 1008.321, F.S.; relating to Board of Governors of the State University System oversight enforcement authority; providing enforcement authority of the Board of Governors, university board of trustees, and university presidents with regard to state universities; (*section 121, p. 194, line 5536*)

Revising Department of Education responsibilities

amending s. 20.055, F.S.; requiring the DOE Office of the Inspector General to perform certain functions for the State University System; (*section 1, p. 26, line 728*)

amending s. 1001.20, F.S.; transferring responsibilities regarding the need for investigations of state universities by the Office of the Inspector General to the Chancellor of the State University System; (*section 70, p. 99, line 2823*)

amending s. 1009.90, F.S.; including the Board of Governors as a report recipient; requiring department to calculate amount of need-based required to offset fee increases recommended by the Board of Governors; (*section 136, p. 224, line 6405*)

amending s. 1009.91, F.S.; relating to assistance programs and activities of the department; requiring that information related to state universities be reported annually to the Board of Governors; (*section 137, p. 224, line 6420*)

amending s. 1013.03, F.S.; relating to functions of the department; including the Board of Governors for functions relating to state universities; deleting obsolete language; *(section 168, p. 261, line 7478)*

amending s. 1013.63, F.S.; relating to the University Concurrency Trust Fund; transferring the trust fund from the Department of Education to the Board of Governors; *(section 182, p. 286, line 8197)*

OTHER PROVISIONS

amending s. 1009.21, F.S.; relating to determination of resident status for tuition purposes; expanding purpose to include determination of eligibility for state financial aid awards and tuition assistance grants; revising definitions; revising qualification process; providing for reclassification; providing documentation requirements; removing rule-making provisions; *(section 128, p. 201, line 5735)*

amending s. 1009.24, F.S.; revising provisions relating to state university tuition and fees; *(section 129, p. 209, line 5969)*

amending s. 1009.265, F.S.; relating to state employee fee waivers; providing guidelines for determining space available; prohibiting use of waiver for certain courses; *(section 131, p. 220, line 6286)*

amending s. 1010.011, F.S.; relating to definitions for purposes of financial matters and planning and budget; providing definition for certain terms; providing for repeal; *(section 141, p. 228, line 6511)*

creating s. 1010.62, F.S.; relating to revenue bonds and debt for state universities; providing definitions; authorizing the Board of Governors to request the issuance of revenues bonds; providing a process; requiring approval of the Board of Governors for a state university or direct-support organization to issue debt; providing guidelines; providing a grandfather provision; *(section 147, p. 230, line 6586)*

amending s. 1011.41, F.S.; relating to university appropriations; including a contingency provision requiring compliance with certain tuition and fee policies; *(section 152, p. 242, line 6926)*

amending s. 1011.4106, F.S.; relating to trust fund dissolution; including provisions relating to local account appropriations; *(section 132, p. 243, line 6939)*

amending s. 1012.975, F.S.; remuneration of state university presidents; revising definitions; expanding employees covered by limitation to include university provosts and community college presidents; *(section 164, p. 259, line 7410)*

**REPEALS OF STATUTORY PROVISIONS FOR WHICH SPECIFIC
STATUTORY AUTHORITY IS NO LONGER NECESSARY**

repealing s. 186.805, F.S., relating to the Data Bank on Older Floridians; (*section 188, p. 294, line 8421*)

repealing s. 334.065, F.S., relating to the Center for Urban Transportation Research; (*section 188, p. 294, line 8421*)

repealing s. 377.705, F.S., relating to the Solar Energy Center; (*section 188, p. 294, line 8421*)

repealing s. 388.42, F.S., relating to John A. Mulrennan, Sr., Arthropod Research Laboratory; (*section 188, p. 294, line 8421*)

repealing s. 388.43, F.S., relating to the Florida Medical Entomology Laboratory; (*section 188, p. 294, line 8422*)

repealing s. 410.504, F.S., relating to the multidisciplinary center on elderly living environments; (*section 188, p. 294, line 8422*)

repealing s. 1004.32, F.S., relating to New College of Florida; (*section 188, p. 294, line 8422*)

repealing s. 1004.33, F.S., relating to the University of South Florida St. Petersburg.; (*section 188, p. 294, line 8422*)

repealing s. 1004.34, F.S., relating to the University of South Florida Sarasota/Manatee; (*section 188, p. 294, line 8422*)

repealing s. 1004.35, F.S., relating to Broward County campuses of Florida Atlantic University coordination with other institutions; (*section 188, p. 294, line 8422*)

repealing s. 1004.36, F.S., relating to Florida Atlantic University campuses; (*section 188, p. 294, line 8422*)

repealing s. 1004.38, F.S., relating to master of science program in speech-language pathology at Florida International University; (*section 188, p. 294, line 8423*)

repealing s. 1004.381, F.S., relating to nursing degree program at University of West Florida; (*section 188, p. 294, line 8423*)

repealing s. 1004.382, F.S., relating to master's in social work program at Florida Atlantic University; (*section 188, p. 294, line 8423*)

repealing s. 1004.383, F.S., relating to chiropractic medicine degree program at Florida State University; *(section 188, p. 294, line 8423)*

repealing s. 1004.44, F.S., relating to the Louis de la Parte Florida Mental Health Institute; *(section 188, p. 294, line 8423)*

repealing s. 1004.46, F.S., relating to Multidisciplinary Center for Affordable Housing; *(section 188, p. 294, line 8423)*

repealing s. 1004.47, F.S., relating to research activities relating to solid and hazardous waste management; *(section 188, p. 294, line 8423)*

repealing s. 1004.50, F.S., relating to the Institute on Urban Policy and Commerce; *(section 188, p. 294, line 8424)*

repealing s. 1004.51, F.S., relating to Community and Faith-based Organizations Initiative and the Community and Library Technology Access Partnership; *(section 188, p. 294, line 8424)*

repealing s. 1004.53, F.S., relating to Interdisciplinary Center for Brownfield Rehabilitation Assistance; *(section 188, p. 294, line 8424)*

repealing s. 1004.54, F.S., relating to the Learning Development and Evaluation Center; *(section 188, p. 294, line 8424)*

repealing s. 1004.59, F.S., relating to the Florida Conflict Resolution Consortium; *(section 188, p. 294, line 8424)*

repealing s. 1004.63, F.S., relating to the Florida Institute for Nuclear Detection and Security (FINDS); *(section 188, p. 294, line 8424)*

OTHER REPEALS

repealing s. 288.705, F.S.; relating to statewide contracts register; (*section 189, p. 295, line 8439*)

repealing s. 458.3147, F.S., relating to medical school eligibility of military academy students or graduates; (*section 189, p. 295, line 8439*)

repealing s. 689.12, F.S., relating to state lands conveyed for educational purposes; (*section 189, p. 95, line 8439*)

repealing s. 741.03055, F.S., relating to review of premarital preparation courses, pilot programs, and questionnaire and curriculum; (*section 189, p. 295, line 8439*)

repealing s. 741.03056, F.S., relating to informational questionnaire; (*section 189, p. 295, line 8440*)

repealing s. 1001.72, F.S., relating to university boards of trustees to constitute a corporation; (*section 189, p. 295, line 8440*)

repealing s. 1004.26, F.S., relating to university student governments; (*section 189, p. 295, line 8440*)

repealing s. 1007.261, F.S., relating to state university admission of students; (*section 189, p. 295, line 8440*)

repealing s. 1007.31, F.S., relating to limited access programs; (*section 189, p. 295, line 8440*)

repealing s. 1007.32, F.S., relating to transfer students; (*section 189, p. 295, line 8440*)

repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; (*section 189, p. 295, line 8440*)

repealing s. 1010.60, F.S., relating to State Board of Education issuance of bonds; (*section 189, p. 295, line 8441*)

repealing s. 1010.61, F.S., relating to State Board of Education powers for issuance of bonds; (*section 189, p. 295, line 8441*)

repealing s. 1010.611, F.S., relating to resolution for issuance of revenue certificates; (*section 189, p. 295, line 8441*)

repealing s. 1010.612, F.S., relating to powers to secure revenue certificates; (*section 189, p. 295, line 8441*)

repealing s. 1010.613, F.S., relating to remedies of any holder of revenue certificates;
(*section 189, p. 295, line 8441*)

repealing s. 1010.614, F.S., relating to validity of revenue certificates; (*section 189, p. 295, line 8441*)

repealing s. 1010.615, F.S., relating to prohibitions against obligating the state; (*section 189, p. 295, line 8442*)

repealing s. 1010.616, F.S., relating to revenue certificate obligations of the State Board of Education; (*section 189, p. 295, line 8442*)

repealing s. 1010.617, F.S., relating to tax exemption and eligibility as legal investments;
(*section 189, p. 295, line 8442*)

repealing s. 1010.618, F.S., relating to supplemental nature of provisions relating to bonding; (*section 189, p. 295, line 8442*)

repealing s. 1010.619, F.S., relating to Board of Administration acting as fiscal agent;
(*section 189, p. 295, line 8442*)

repealing s. 1011.4105, F.S., relating to transition from state accounting system (FLAIR) to university accounting system; (*section 189, p. 295, line 8442*)

repealing s. 1012.92, F.S., relating to personnel codes of conduct, disciplinary measures, and rulemaking authority; (*section 189, p. 295, line 8443*)

repealing s. 1012.94, F.S., relating to evaluations of faculty members; (*section 189, p. 295, line 8443*)

repealing s. 1012.95, F.S., relating to university employment equity accountability program; (*section 189, p. 295, line 8443*)

CONFORMS

amending s. 215.20, F.S.; relating to certain income and certain trust funds to contribute to the General Revenue Fund, to conform; (*section 24, p. 45, line 1270*)

amending s. 447.203, F.S.; relating to definitions for purposes of public employees; revising the definition of “managerial employee” to conform; (*section 54, p. 70, line 1992*)

amending s. 553.71, F.S.; relating to definitions for purposes of the Florida Building Code; conforming terminology relating to educational boards; (*section 59, p. 74, line 2127*)

amending s. 1005.22, F.S.; relating to powers and duties of the Commission for Independent Education; conforming provisions; (*section 99, p. 162, line 4638*)

amending s. 1007.33, F.S.; relating to site-determined baccalaureate degree access; conforming provisions; (*section 116, p. 183, line 5230*)

amending s. 1008.45, F.S.; relating to community college accountability process; conforming provisions; (*section 125, p. 198, line 5672*)

amending s. 1009.40, F.S.; relating to general requirements for student eligibility for state financial aid; conforming provisions; (*section 135, p. 223, line 6366*)

amending s. 1013.15, F.S.; relating to lease, rental, and lease-purchase of educational facilities and sites; subjecting agreements to provisions of s. 1010.62; (*section 170, p. 272, line 7797*)

amending s. 1013.16, F.S.; relating to construction of facilities on leased property and conditions; subjecting leases executed by a university board of trustees to s. 1010.62; (*section 171, p. 273, line 7804*)

amending s. 1013.17, F.S.; relating to university leasing in affiliated research and development park; transferring State Board of Education responsibilities to the Board of Governors of the State University System; subjecting leases to s. 1010.62; (*section 172, p. 273, line 7810*)

amending s. 1013.19, F.S.; relating to purchase, conveyance, or encumbrance of property interests above surface of land and joint-occupancy structures; subjecting any contract executed by a university board of trustees to s. 1010.62; (*section 174, p. 275, line 7870*)

CORRECTS A CROSS-REFERENCE

amending s. 110.181, F.S.; relating to Florida State Employees' Charitable Campaign; correcting a cross-reference; (*section 6, p. 29, line 821*)

amending s. 215.82, F.S.; relating to validation of certain bonds and when required, to update cross-reference; (*section 27, p. 49, line 1392*)

amending s. 287.064, F.S.; relating to consolidated financing of deferred-payment purchases; correcting a cross-reference; (*section 41, p. 61, line 1753*)

amending s. 633.01, F.S.; relating to the State Fire Marshal; correcting cross-references; (*section 60, p. 75, line 2138*)

amending s. 1001.25, F.S.; relating to educational television; correcting a cross-reference; (*section 71, p. 100, line 2856*)

amending s. 1001.64, F.S.; relating to powers and duties of community college boards of trustees; correcting a cross-reference; (*section 73, p. 102, line 2919*)

amending s. 1009.98, F.S.; relating to the Florida Prepaid College Program; correcting a cross-reference; (*section 139, p. 226, line 6456*)

amending s. 1011.82, F.S.; relating to requirements for participation in Community College Program Fund; correcting a cross-reference; (*section 155, p. 245, line 7011*)

Side-by-side
Powers and duties of University Boards of Trustees

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.		(1)(a) For each constituent university, the Board of Governors of the State University System, or the board's designee, shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.		(1)(b) To the extent delegated by the Board of Governors pursuant to s. 1001.706, the boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law and guidelines of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.
(2) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the State Board of Education.			(1)(c) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
Each board of trustees shall perform all duties assigned by law or by rule of the State Board of Education or the Commissioner of Education.			university in accordance with law and with guidelines of the Board of Governors. (1)(d) Each board of trustees shall perform all duties assigned by law or by the Board of Governors.	
(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the board of trustees all data and information required by the board of trustees in the performance of its duties.			(1) (e) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.	
(4) Each board of trustees may adopt rules pursuant to ss.	(1)(b) The Board of Governors shall adopt		(1)(f) Each board of trustees shall adopt	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the State Board of Education.	rules pursuant to ss. 120.536 (1) and 120.54 when acting pursuant to statutory authority derived from the Legislature.		rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it.	
(5) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the	(6)(a) The Board of Governors shall develop guidelines for university boards of trustees relating to the acquisition of real and personal property and the sale and disposal thereof and the approval and execution of contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the		(6) (a) Each board of trustees shall have the authority to acquire real and personal property and contract for its sale and disposal and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction in accordance with law and guidelines of the Board of Governors. The acquisition may include purchase by installment or lease-	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.	the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein. Any acquisition pursuant to this		purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein. Any acquisition pursuant to this	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT 1001.74
			paragraph is subject to the provisions of s. 1010.62.	
(6) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those	(6)(b) The Board of Governors shall develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of university- owned or university- controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority provided the		(6) (b) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university- owned or university- controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university pursuant to guidelines of the Board of Governors. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages,	

Current statutory provision – UBOT powers & duties s. 1001.74, FS items.	C&U PCB assigns to BOG 1001.706 board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74 distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.	C&U PCB assigns to UBOT if delegated by BOG 1001.74
7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and	See s. 1004.03, F.S., for provisions relating to program approval.	See s. 1004.03, F.S., for provisions relating to program approval.	See s. 1004.03, F.S., for provisions relating to program approval.	See s. 1004.03, F.S., for provisions relating to program approval.

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
services. Approval of new programs must be pursuant to criteria established by the State Board of Education.				
(8) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1004.22 to serve the function of administration and promotion of the programs of research.	(2)(c) The Board of Governors shall develop guidelines relating to divisions of sponsored research, pursuant to the provisions of s. 1004.22, to serve the function of administration and promotion of the programs of research.		(2)(j) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1004.22 and guidelines of the Board of Governors to serve the function of administration and promotion of the programs of research.	
(9) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule and requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the State Board of Education. At least half of the required	(2)(g) The Board of Governors shall ensure that students at state universities have access to general education courses. (2)(h) The Board of Governors shall approve baccalaureate degree programs that require more than 120 semester		(2) (e) Each board of trustees has responsibility for ensuring that students have access to general education courses as identified by the university. (2) (d) Each board of trustees has responsibility for	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the State Board of Education.	credit hours of coursework prior to such programs being offered by a state university. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of Governors.		requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the Board of Governors. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of Governors.	
(10) Each board of trustees has responsibility for policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services.				
(a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the State Board of Education. Each				

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.				
(b) Each board of trustees shall establish student performance standards for the award of degrees and certificates.				
(c) Each board of trustees must identify its core curricula and work with school districts to ensure that its curricula coordinate with the core curricula and prepare students for college-level work.		(2)(f) For each constituent university, the Board of Governors, or the board's designee, shall identify the university's core curricula and work with school districts to ensure that a school district's curricula coordinate with the core curricula of the university and prepare students for college-level work.		(2) (f) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall identify its core curricula and work with school districts to ensure that curricula of the school district coordinate with the core curricula of the university and prepare students for college-level work.

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
(d) Each board of trustees must adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.		(2)(i) The Board of Governors, or the board's designee, shall adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.		(2) (g) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.
e) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.		(2)(j) The Board of Governors, or the board's designee, may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include reasonable fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.		(2) (h) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include reasonable fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74 imposition of probation, suspension, or dismissal.
(f) Each board of trustees shall establish a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.				
(g) Each board of trustees must adopt a policy pursuant to s. 1006.53 that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.	See s. 1006.53, F.S., for provisions relating to religious policies at public postsecondary institutions.	See s. 1006.53, F.S., for provisions relating to religious policies at public postsecondary institutions.	See s. 1006.53, F.S., for provisions relating to religious policies at public postsecondary institutions.	See s. 1006.53, F.S., for provisions relating to religious policies at public postsecondary institutions.
(h) A board of trustees may establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.				
(i) Each board of trustees				

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
shall approve the internal procedures of student government organizations.				
(11) Each board of trustees shall establish fees pursuant to ss. 1009.24 and 1009.26.		(3)(c) The Board of Governors, or the board's designee, shall establish tuition and fees pursuant to ss. 1009.24 and 1009.26.		(3) (c) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish tuition and fees pursuant to ss. 1009.24 and 1009.26.
(12) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for approval in accordance with guidelines established by the State Board of Education.	(3)(b) The Board of Governors shall prepare the legislative budget requests for the State University System, including a request for fixed capital outlay, and submit them to the State Board of Education for inclusion in the K-20 legislative budget request. The Board of Governors shall provide the state universities with fiscal policy guidelines, formats, and instruction for the development of individual university		(3) (b) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with guidelines established by the Board of Governors.	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
	budget requests.			
(13) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in the manner described by the Department of Education.		(3)(a) The Board of Governors, or the board's designee, shall account for expenditures of all state, local, federal, and other funds. Such accounting systems shall have appropriate audit and internal controls in place that will enable the constituent universities to satisfactorily and timely perform all accounting and reporting functions required by state and federal law and rules.		(3) (a) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall account for expenditures of all state, local, federal, and other funds. Such accounting systems shall have appropriate audit and internal controls in place that will enable the university to satisfactorily and timely perform all accounting and reporting functions required by state and federal law and rules.
(14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to the State Board of Education.	(4)(a) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university.		(4) (a) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to and approval by the Board of Governors.	

Current statutory provision -- UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
(15) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the State Board of Education.	(4) (b) The Board of Governors shall develop an accountability plan for the State University System and each constituent university.		(4) (b) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the Board of Governors.	
(16) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university.	(4) (c) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, the management information databases as such databases existed on June 30, 2002.		(4) (c) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university pursuant to guidelines of the Board of Governors.	
(17) Each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.		(3) (d) The Board of Governors, or the board's designee, is authorized to secure comprehensive general liability insurance		(3)(d) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees is authorized to

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706 pursuant to s. 1004.24.	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74 secure comprehensive general liability insurance pursuant to s. 1004.24.
(18) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.			(3)(e) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.	
(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards,	(5) (b) The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238. Unless specifically authorized by law, neither the Board of Governors nor a state university may offer group insurance programs for employees	(5) (a) The Board of Governors, or the board's designee, shall establish the personnel program for all employees of a state university, including the president.		(5) (a) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish the personnel program for all employees of the university, including the president.

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
<p>inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238.</p>	<p>as a substitute for or as an alternative to the health insurance programs offered pursuant to chapter 110. (5) (d) To the extent the Board of Governors delegates authority for personnel programs to individual university boards of trustees, the Board of Governors shall develop guidelines relating to compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer,</p>			

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
	tenure and permanent status, ethical obligations and conflicts of interests, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. Such guidelines shall not conflict with current provisions of law or the General Appropriations Act relating to state employees or public employees.			
(20) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the university.				
(21) Each board of trustees shall appoint a presidential search committee to make recommendations to the full				

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
board of trustees, from which the board of trustees may select a candidate for ratification by the State Board of Education.				
(22) Each board of trustees shall conduct an annual evaluation of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.46 and the performance of the president in achieving the annual and long-term goals and objectives established in the institution's employment equity accountability program implemented pursuant to s. 1012.95.				
(23) Each board of trustees constitutes the contracting agent of the university.			(2)(a) Each board of trustees constitutes the contracting agent of the university.	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
(24) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.			(3) (f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.	
(25) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.			(2) (p) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.	
(26) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.			(2) (k) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.	
(27) Each board of trustees			(2) (b) Each board of	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
shall submit to the State Board of Education, for approval, all new campuses and instructional centers.			trustees shall submit to the Board of Governors, for approval, all new campuses and instructional centers.	
(28) Each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.		(6) (c) The Board of Governors, or the board's designee, shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.		(6) (c) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.
(29) Each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to		(6) (d) The Board of Governors, or the board's designee, shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount		(6) (d) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except

Current statutory provision – UBOT powers & duties s. 1001.74, FS s. 287.09451.	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706 provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74 that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.
(30) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.			(6) (e) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.	
(31) Notwithstanding the provisions of s. 253.025, each board of trustees may, with the consent of the Board of		(6) (e) Notwithstanding the provisions of s. 253.025, but subject to the provisions of s. 1010.62, the Board of		(6) (f) Notwithstanding the provisions of s. 253.025, but subject to the provisions of s. 1010.62, each board of

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.		Governors, or the board's designee, may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.		trustees may, to the extent delegated by the Board of Governors pursuant to s. 1001.706 and with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.
(a) The board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers		(6)(e) 1. The Board of Governors, or the board's designee, may secure appraisals and surveys. The Board of Governors, or the board's designee, shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the Board of Governors, or the board's designee, finds it necessary for timely property acquisition, it may contract,		(6)(f) 1. To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract,

Current statutory provision – UBOT powers & duties s. 1001.74, FS maintained by the Division of State Lands in the Department of Environmental Protection.	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706 without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74 without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.
(b) The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.		(6)(e) 2. The Board of Governors, or the board's designee, may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the Board of Governors, or the board's designee, or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the Board of Governors,		(6)(f) 2. To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706 or the board's designee.	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74 by the board of trustees.
(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.		(6)(e) 3. This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.		(6)(f) 3. This paragraph is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.
(32) Each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.		(6) (f) The Board of Governors, or the board's designee, shall prepare and adopt a campus master plan pursuant to s. 1013.30.		(6) (g) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall prepare and

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74 adopt a campus master plan pursuant to s. 1013.30.
(33) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.		(6) (g) The Board of Governors, or the board's designee, shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.		(6) (h) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.
(34) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.	(7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND REQUIREMENTS.--The Board of Governors has responsibility for compliance with state and federal laws, rules, regulations, and requirements.		(7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND REQUIREMENTS.--Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.	
(35) Each board of trustees may govern traffic on the grounds of that campus pursuant to s. 1006.66.			(2) (m) Each board of trustees may govern traffic on its campus pursuant to s.	

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT 1001.74
(36) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers.	(2)(e) The Board of Governors shall develop guidelines for supervising faculty practice plans for the academic health science centers.		(2) (n) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers pursuant to guidelines of the Board of Governors.	
(37) Each board of trustees shall prescribe conditions for direct-support organizations and university health services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.	(2)(d) The Board of Governors shall prescribe conditions for direct-support organizations and university health services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the Board of Governors.		(2) (o) Each board of trustees may certify direct-support organizations and university health services support organizations to use university property and services in accordance with guidelines of the Board of Governors.	
(38) Each board of trustees shall actively implement a	(8) COOPERATION WITH OTHER			

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.	BOARDS.--The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the Commission for Independent Education, the university boards of trustees, representatives of the community college boards of trustees, representatives of the private colleges and universities, and representatives of the district school boards, to achieve a seamless education system.			
(39) Notwithstanding the provisions of s. 216.351, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to		(6) (h) Notwithstanding the provisions of s. 216.351, the Board of Governors, or the board's designee, may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. The Board of		(6)(i) Notwithstanding the provisions of s. 216.351 and to the extent delegated by the Board of Governors pursuant to s. 1001.706, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees

Current statutory provision – UBOT powers & duties s. 1001.74, FS	C&U PCB assigns to BOG 1001.706	C&U PCB assigns to BOG or BOG's designee 1001.706	C&U PCB assigns to UBOT 1001.74	C&U PCB assigns to UBOT if delegated by BOG 1001.74
charge fees for parking at such rented or leased parking facilities.		Governors, or the board's designee, may authorize a university board of trustees to charge fees for parking at such rented or leased parking facilities.		or parking fines imposed by a university. With authorization from the Board of Governors, a board of trustees may charge fees for parking at such rented or leased parking facilities.
(40) Each board of trustees may adopt rules and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.		(2) (b) The Board of Governors, or the board's designee, shall develop guidelines and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.		(2) (1) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall develop guidelines and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.
(41) A board of trustees shall perform such other duties as are provided by law or rule of the State Board of Education.				(8) OTHER POWERS AND DUTIES.--A board of trustees shall perform such other duties as are provided by law or at the direction of the Board of Governors.